

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

BOARDWALK 1000, LLC, HARD ROCK ATLANTIC CITY

SEEKING PRELIMINARY AND FINAL SITE PLAN VARIANCE
APPROVAL FOR THE PROPOSED CONSTRUCTION OF BUSINESS
IDENTIFICATION SIGNAGE, ON-SITE INFORMATION
SIGNAGE AND OFF-SITE WAYFINDING SIGNAGE

BLOCK 61, LOTS 1-7, 9-21, 30-33
912-916 Pacific Avenue, Atlantic City, NJ

Thursday - March 15, 2018

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1 Public hearing in the
2 above-referenced matter, taken at the CASINO
3 REINVESTMENT DEVELOPMENT AUTHORITY, 15 South
4 Pennsylvania Avenue, Atlantic City, New Jersey,
5 before Karen A. Haworth, a New Jersey Certified
6 Court Reporter (CCR), nationally certified
7 Registered Professional Reporter (RPR),
8 nationally certified Certificate of Merit holder
9 (CM), nationally certified Certified Realtime
10 Reporter (CRR), a Delaware Certified Shorthand
11 Reporter (CSR), nationally certified Certified
12 LiveNote™ Reporter (CLR), and Notary Public of
13 the State of New Jersey, on the above date,
14 commencing at 10:03 A.M., there being present:
15
16
17

18 APPEARANCES:

19 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

20

21 LANCE B. LANDGRAF, JR.

Chairman

22 Director, Planning Department

23

24 ROBERT L. REID

Land Use Enforcement Officer

25

1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2

3 SCOTT G. COLLINS, ESQUIRE

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

4

5 CHRISTINE COFONE

COFONE CONSULTING GROUP

6

7

8

9

10

11 COUNSEL FOR THE APPLICANT:

12

13 JACK PLACKTER, ESQUIRE

- and -

14 BRIDGET A. SYKES, ESQUIRE

FOX ROTHSCHILD, LLP

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I N D E X

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WITNESS(ES)

PAGE NO.

THOMAS SYKES

By: Mr. Plackter

12

JON BARNHART

By: Mr. Plackter

38

EXHIBITS MARKED AND/OR REFERRED TO:

A-1

A-2

B-1

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

2

3 LANCE LANDGRAF: I'm going to call
4 the March 15th, 2018 CRDA Land Use Regulation
5 and Enforcement Division hearing to order.

6 Would everyone please rise for the
7 Pledge of Allegiance?

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

10 LANCE LANDGRAF: Thank you.

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

14 We have one item on the agenda
15 today, and that's for application number
16 2018-02-2328, Boardwalk 1000, LLC, Hard Rock
17 Atlantic City.

18 Jack, I won't go through all the --
19 the address and all that. I see you're here.

20 JACK PLACKTER: Yeah. I'll take
21 care of that in my presentation.

22 LANCE LANDGRAF: You'll take care
23 of that.

24 JACK PLACKTER: Good morning,
25 everyone. Good morning to the public. My name

1 is Jack Plackter. I'm an attorney with Fox,
2 Rothschild, and we're counsel for Boardwalk
3 1000, LLC, commonly known as Hard Rock.

4 This is an application, ladies and
5 gentlemen, for site plan approval and variance
6 approval for the exterior signage package for
7 both the casino/hotel and parking garage and,
8 also, for the RockStop gas station, convenience
9 store and car wash, which the CRDA recently
10 approved. At the time, we didn't have the
11 signage done for the -- for the gas station, so
12 we're here to do both of those now.

13 The property is known as Block 61,
14 various lots on the official map of the -- tax
15 map of the City of Atlantic City, and commonly
16 known as 1000 Boardwalk, and is bounded by the
17 Boardwalk, Maryland Avenue, Pacific Avenue, and
18 Pennsylvania avenues.

19 The zone is under the new Tourism
20 District zoning ordinance -- or regulations RC
21 or Resort Commercial zone.

22 The Hard Rock sign package proposes
23 a total of 80 business, identification,
24 informational, governmental wayfind and
25 wayfinding signs.

1 We request c. variances for a
2 number of those signs: To permit more than two
3 wall signs on the same frontage; wall signs with
4 a height above the roofline; more than one
5 ground sign on the same frontage; ground signs
6 greater than ten feet in height; informational
7 signs larger than two square feet; informational
8 signs higher than 12 feet in height above grade;
9 informational pole signs; identification signs
10 on the parking garage mounted higher than 14
11 feet; identification signs on the parking garage
12 larger than 16 square feet; a projecting sign on
13 the parking garage; a pole sign greater than 20
14 feet in height. That, of course, is the
15 Hard Rock guitar that I think was in the Press.
16 Wall signs on the convenience store greater than
17 20 feet in height above grade; wall signs on the
18 car wash above the roof eve and larger in area
19 than twice the building's linear frontage; and
20 signs on the canopy over gas pumps, on the roof.

21 That says a lot, but we hope it,
22 through our presentation, shows you --

23 What we've done is we've grouped
24 these signs by categories. And our eminent
25 architect, Mr. Sykes, will take you through

1 those signs and identify which variances are
2 required.

3 One of the things I want to note is
4 that, you know, we looked around the community
5 and --

6 For example, these ground signs --
7 no -- excuse me -- all these signs are very
8 consistent with signs on casinos in the City of
9 Atlantic City. So, our signs aren't any larger.
10 In fact, they're smaller than many of the signs
11 that were on the prior user's, Taj Mahal, hotel
12 casino.

13 And Tom has done a study to point
14 out -- like he's compared the two towers, of the
15 Taj and then Hard Rock, he's compared the
16 garage. And we'll demonstrate to you that the
17 signs are, roughly, equivalent in size.

18 We've -- we've met the jurisdiction
19 requirements for this hearing.

20 On March 3rd, we published a notice
21 of this hearing in the Atlantic City Press.

22 On March 1st, we sent certified
23 mailings to all the property owners within 200
24 feet.

25 And we did produce a certification

1 that all taxes are paid.

2 LANCE LANDGRAF: Jack, if I can
3 just ask Rob to confirm that so it's on the
4 record that we agree with that.

5 ROBERT REID: Yes. The --

6 I reviewed the documents submitted
7 by Mr. Plackter's office, and we have
8 jurisdiction to hear this application.

9 LANCE LANDGRAF: Okay. Thanks.

10 JACK PLACKTER: So, we're excited
11 about this. We think it's going to bring new
12 excitement to this area of the Boardwalk and the
13 city in general.

14 As I said, the signs are consistent
15 with other hotel/casinos. They were consistent
16 with the signs on the Taj and they're --
17 similarly, they're consistent with other
18 Hard Rock offerings.

19 As you know, Hard Rock has
20 hotel/casinos in all different parts of the
21 country, including Florida, and international.
22 And this is a package -- signage package or
23 comparable to signage packages they would use
24 other places, as Mr. Sykes will testify to.

25 We believe that these variances, if

1 you decide to grant them -- or recommend that
2 they be granted, advances a number of purposes
3 of the Tourism District regulations. We believe
4 it advances purposes 1, 3, 5, and 7. And I'm
5 not going to go through them in detail right
6 now. Mr. Sykes will. But, we believe, for
7 example, that it advances the purpose of the
8 Atlantic City Tourism District by enabling the
9 opening of a world-class tourist destination.
10 We believe, clearly, the Hard Rock --

11 And that's purpose number 1 of your
12 rule.

13 At this time, I'd like to have
14 Mr. Sykes sworn in.

15 I don't know if you want to swear
16 in the professionals at this point.

17 LANCE LANDGRAF: Do you want to do
18 them all at once?

19 SCOTT COLLINS: We can do that.

20 JACK PLACKTER: Okay. We can do
21 them all at once, I guess, or --

22 SCOTT COLLINS: How many do we
23 have?

24 JACK PLACKTER: It's going to be
25 Mr. Sykes and Mr. Barnhart. And I don't know if

1 you want to swear in Ms. Cofone as well, but
2 it's up to you.

3 SCOTT COLLINS: She remains under
4 oath.

5 JACK PLACKTER: Okay.

6 SCOTT COLLINS: If you could just
7 both stand and raise your right hand, please.

8

9

10

11 THOMAS SYKES,

12 having been duly sworn in by the court
13 reporter, was examined and testified as
14 follows:

15 JON BARNHART,

16 having been duly sworn in by the court
17 reporter, was examined and testified as
18 follows:

19

20 SCOTT COLLINS: Could you just state
21 and spell your name for the record, please?

22 THOMAS SYKES: Thomas Sykes,
23 S-y-k-e-s.

24 SCOTT COLLINS: Thank you.

25 JON BARNHART: Jon Barnhart.

1 SCOTT COLLINS: I have you.

2 Thanks.

3

4 DIRECT EXAMINATION

5 BY JACK PLACKTER:

6 Q. Mr. Sykes, you're under oath.

7 A. Mmm-hmm.

8 Q. You were engaged by the applicant.

9 You can sit down. Are you more
10 comfortable sitting down or standing up? Do you
11 want to stand, or do you want to testify from --
12 stand by the podium? Is that better? Just
13 there? Okay. Fine.

14 So, you were -- you were just
15 sworn.

16 You were engaged by the applicant,
17 Hard Rock, to provide testimony in connection
18 with this hearing. Is that correct?

19 A. Yes.

20 Q. And you're a licensed professional
21 architect and planner in the State of New
22 Jersey. Is that correct?

23 A. I am. Yes.

24 Q. And is it fair to say that you've
25 been to the Hard Rock property on one or more

1 occasions?

2 A. Yes.

3 Q. You practically live there. Right?

4 A. On a regular basis. Yes.

5 Q. All right. And is it also a fact

6 that you do work for Hard Rock in other

7 locations in addition to the Atlantic City

8 project?

9 A. That's correct.

10 Q. Okay. And have you had a chance to

11 review the application materials submitted on

12 behalf of Hard Rock?

13 A. Yes. We were intimately involved

14 in that.

15 Q. Okay. Have you also had occasion

16 to review the Tourism District regulations as

17 they relate to signs?

18 A. Yes, we have.

19 Q. Okay. And I know you're a big

20 proponent of those sign regulations. Is that

21 true?

22 A. With practice.

23 Q. Moreover, have you had a chance to

24 review --

25 A. Yes.

1 LANCE LANDGRAF: Jack, if I could
2 just do one thing. We want to make sure we
3 recognize Tom's credentials and we accept him as
4 an expert in the field of architecture.

5 JACK PLACKTER: Okay. Fine.

6 LANCE LANDGRAF: So...

7 JACK PLACKTER: I would offer Tom
8 Sykes as an expert in architecture and planning
9 in the State of New Jersey.

10 LANCE LANDGRAF: We would agree.
11 Thank you.

12 JACK PLACKTER: Thank you.

13 BY JACK PLACKTER:

14 Q. Mr. Sykes, did you have occasion to
15 review Ms. Cofone's professional report?

16 A. Yes.

17 Q. Okay.

18 A. I did read the report.

19 Q. Okay. Now, based upon that, then,
20 what I indicated is, we're going to talk about
21 the types of signs proposed, and you're going to
22 take us through a presentation of all 80 signs.

23 JACK PLACKTER: Not all 80 signs
24 need variances, but many do, and we'll identify
25 which ones need variances throughout Tom's

1 presentation.

2 LANCE LANDGRAF: Good.

3 BY JACK PLACKTER:

4 Q. Okay. Please proceed.

5 A. I'll go through this relatively
6 quickly, if that's okay. And if there's any
7 questions from the -- the board and authority,
8 well, then, I'll go -- and subject to the
9 board's direction, be glad to respond at any
10 time.

11 LANCE LANDGRAF: Great.

12 THOMAS SYKES: As Jack mentioned,
13 there are a total of about 80 signs. And that's
14 the total complement of the exterior of the
15 building, really beginning from scratch.

16 Our first act on the building was,
17 in a sense, to de-Trump and de-Trop -- de-Trump
18 and de-Taj it. And -- and that --

19 And we took every existing sign
20 off, but we did track them. And you'll see,
21 we'll -- we'll do some comparisons at the end.

22 But, basically, as a summary, we
23 have four off-site wayfinding, nine government.
24 And most of those do not -- most of those two
25 categories do not require variances.

1 Twenty-five on-site information.
2 Those will. 25 identification signs on the
3 hotel, casino, and the garage will, mostly. And
4 three business signs on the hotel, casino and
5 parking garage. And then there's 14 additional
6 identification signs on the convenience store, a
7 gas station and car wash.

8 Basically, the first category,
9 off-site wayfinding. And, really, there are
10 three ground signs and one pole sign. And these
11 are really directional. The two to the left are
12 in an island as you approach the project on
13 Virginia Avenue. And the -- further to the
14 right, the pole sign is as well.

15 Very simple normal installation of
16 signage. The color tones and things you'll see
17 pick up the -- the metrics of the building and
18 the -- and the aesthetics of the building.

19 Governmental signs. Again, by
20 ordinance. Stop signs.

21 But, all --

22 BY JACK PLACKTER:

23 Q. Well, just -- just quickly, though,
24 we're asking for site plan approval for the
25 wayfinding signs. There's no variances required

1 for them.

2 A. That is correct. There are no --

3 Q. Okay. Please continue.

4 A. On the governmental. I'll get to
5 that in a minute here.

6 Q. Sure.

7 A. So, the next are -- are off-site
8 information signs -- on-site information signs.
9 I'm sorry. And the -- these --

10 There's -- there's quite a few of
11 these. And these do, now, fall into variance
12 categories.

13 First, ground signs similar to the
14 others on the island as you come in. So there's
15 very clear direction.

16 Hard Rock is absolutely primarily
17 concerned about ease on the patron. The -- the
18 access to the property, the parking convenience,
19 and the discipline of identifying where to go
20 comfortably without confusion.

21 On-site information wall signs.
22 And these are a few examples. There's 20 of
23 these, total. There's a variety for the hotel,
24 for the casino, as well as for the self-park
25 garage.

1 And there's a large diag -- sort of
2 diagonal arrow sign that's right on Virginia
3 that tries to direct all patrons to the
4 self-park garage.

5 We have a self-park garage in
6 excess of 5,000 spaces. And, as a rule, the
7 majority of your customers come through there.
8 So, we want that very easy and clean.

9 But, also, VIP hotel entry in the
10 porte-cochere area, we have three of these pole
11 signs similar to this design. And the variances
12 for these, all of the 25 on-site information
13 signs require variances for sizes greater than
14 two square feet. And the sizes vary from two to
15 256 square feet.

16 Ten wall signs all require
17 variances and really require a variance for a
18 height greater than 12 feet from grade.

19 And the non-conforming signs range
20 from 13.5 feet to 56 feet.

21 And finally, in this category,
22 three pole signs. And the protecting sign
23 requiring a var -- and the projecting sign at
24 the entry to the garage require variances to
25 permit structural sign types that are not

1 permitted in the ordinance.

2 The third category of signage is
3 identification and business signs. So, who are
4 we and let's tell a story about who we are. And
5 how would we do that? And that's usually from
6 far away. You want the patron and the potential
7 customer to identify your tower from far away,
8 consistent with every other tower here and in
9 every other gaming jurisdiction.

10 So, the tower to the left is what
11 we call Tower One. And on this business and
12 identification sign we have one roof sign on
13 Tower One. That's the older of the two
14 buildings. And that -- that faces what we all
15 call west; back toward the mainland. Okay? The
16 --

17 I'm sorry. That faces north; back
18 toward the mainland.

19 BY JACK PLACKTER:

20 Q. Thank you. You were confusing me?

21 A. No. Yeah, yeah.

22 The -- there are two wall signs on
23 Tower Two and the parking garage. Excuse me.
24 Let me use a little arrow here, which is great.
25 This one's not showing up on there. I've got to

1 use --

2 LANCE LANDGRAF: It was lighting
3 up. I can see it from this end.

4 THOMAS SYKES: Is it lighting up?

5 LANCE LANDGRAF: Yeah. Try it on
6 the one behind you.

7 JACK PLACKTER: Try it on the one
8 behind you.

9 LANCE LANDGRAF: There it is. It's
10 real light, though.

11 THOMAS SYKES: So, on Tower One,
12 they have what we call a badge sign.

13 On Tower Two, we have the vertical
14 wall sign on the garage, which is on Pacific
15 Avenue. Right where a sign was for the Taj, we
16 have a Hard Rock sign.

17 And then as you approach the
18 property on Virginia Avenue, we have these two
19 lower signs -- that's a 20-foot wall -- with
20 what we call a badge sign on each side.

21 CHRISTINE COFONE: A what sign?
22 I'm sorry.

23 THOMAS SYKES: Pardon me?

24 CHRISTINE COFONE: A what sign?
25 Badge sign, you called it?

1 THOMAS SYKES: With -- with the
2 round --
3 The term we use --
4 JACK PLACKTER: It's a badge, but
5 it's a wall sign.
6 CHRISTINE COFONE: Badge. Okay.
7 THOMAS SYKES: Yeah. Oh. I'm
8 sorry. Badge sign. Yeah. I'm sorry. Yeah.
9 CHRISTINE COFONE: A badge sign.
10 THOMAS SYKES: It's the same as the
11 one up here; just a smaller scale.
12 CHRISTINE COFONE: Okay.
13 JACK PLACKTER: And they would be
14 ground signs, actually.
15 CHRISTINE COFONE: Okay.
16 JACK PLACKTER: Yeah.
17 CHRISTINE COFONE: I just was --
18 It sounded like you were saying a
19 "bad" sign.
20 THOMAS SYKES: Yeah, yeah, yeah.
21 No. A badge sign. Sorry.
22 CHRISTINE COFONE: Oh. Badge,
23 badge sign.
24 JACK PLACKTER: Badge.
25 CHRISTINE COFONE: I got it. Thank

1 you.

2 THOMAS SYKES: Yeah. There's a
3 thought to that.

4 Okay. And -- and variances. More
5 than two wall signs and more than one ground
6 sign on the same frontage. Height of ground
7 signs on each corner of Pacific Avenue greater
8 than five feet, and we're at 20 feet.

9 The height of the wall sign on
10 Tower One, the older badge sign, and the
11 roofline of that, not permitted.

12 The size of the sign on the parking
13 garage, which is exactly where the previous one
14 was for the Taj, at 16 square feet, and the sign
15 is 1,089 square feet. And the height of the
16 signs on the parking garage is greater than 14.
17 That height is 118.

18 And then along --

19 This is where we sort of -- real
20 identity issues and icon issues. And on
21 Virginia Avenue, right at the main entry, we
22 have a 60-foot iconic guitar. We've put each --
23 one like this on each of the Hard Rock projects
24 we've done. Not as big, necessarily, and some
25 very close. And it's well illuminated and lit.

1 And in addition, there are five
2 wall signs; two signs on each side of the sky
3 bridge, and they're what we call -- they're the
4 little area across here. "Welcome back my
5 friends to the show that never ends." Little
6 clips from music and songs and -- and little
7 identity pieces.

8 And there are three signs on the
9 ground level of the hotel and porte-cochere.
10 The one --

11 LANCE LANDGRAF: Tom, if we could
12 hold on this picture first.

13 Is the guitar --

14 THOMAS SYKES: Mmm-hmm.

15 LANCE LANDGRAF: -- before or after
16 this -- the bridge, the parking garage bridge?

17 THOMAS SYKES: The guitar is after
18 the bridge.

19 JACK PLACKTER: Right.

20 THOMAS SYKES: It's right in the
21 porte-cochere.

22 JACK PLACKTER: It is on -- it is
23 on -- excuse me. It is on private property.

24 THOMAS SYKES: Right.

25 JACK PLACKTER: It's not in the

1 right-of-way, but, still, it -- still, we -- we
2 treat it as a sign.

3 THOMAS SYKES: Right.

4 JACK PLACKTER: I think it is a
5 sign because it's visible from public rights of
6 way.

7 THOMAS SYKES: It's where the
8 fountain was at the Taj.

9 JACK PLACKTER: Right.

10 LANCE LANDGRAF: It's visible from
11 Pleasantville.

12 CHRISTINE COFONE: And the "Welcome
13 back my friends to the show that never ends,"
14 is that something that is changeable, you'll
15 change that, or --

16 THOMAS SYKES: No, no. It's fixed
17 lettering.

18 CHRISTINE COFONE: It's fixed
19 lettering.

20 THOMAS SYKES: Normally, it's fixed
21 lettering.

22 CHRISTINE COFONE: I was going to
23 say --

24 THOMAS SYKES: You can see that
25 there's one on the way out, too.

1 CHRISTINE COFONE: -- maybe you
2 could change it to something that's playing in
3 Atlantic City.

4 LANCE LANDGRAF: Who wrote them?

5 CHRISTINE COFONE: Who wrote them?
6 I don't know.

7 LANCE LANDGRAF: Emerson, Lake &
8 Palmer.

9 CHRISTINE COFONE: Oh.

10 JACK PLACKTER: It's below. It
11 says it.

12 THOMAS SYKES: We always give them
13 credit --

14 CHRISTINE COFONE: I know it's --

15 THOMAS SYKES: Yeah. We always
16 give them credit underneath.

17 CHRISTINE COFONE: Yeah.

18 THOMAS SYKES: You'll see a few
19 more of these.

20 CHRISTINE COFONE: I was just
21 wondering if it was changeable; you know, if
22 somebody was playing in Atlantic City, then they
23 could put like a time lead.

24 THOMAS SYKES: That's nice. Yeah.

25 CHRISTINE COFONE: Okay. Go on.

1 I'm sorry.

2 THOMAS SYKES: I'm gonna tell them.

3 So, those variances.

4 More than two wall signs on the
5 same frontage.

6 And the height of the guitar pole
7 sign greater than 20 feet. Again, and it's at
8 60 feet.

9 And then this -- I'm still with the
10 tower, but looking at the Pennsylvania Avenue
11 side of the tower. And that -- that is now the
12 west side of our tower. A large -- a large sign
13 on the top, across the top of the tower. That's
14 one roof sign. And it's what we call --

15 One wall sign on the parking garage
16 and one roof sign are on this tower.

17 And that height of the wall sign on
18 Tower Two above roofline, roof signs not
19 permitted on structural type.

20 The second: Size of the sign of
21 the parking garage is greater than 16 feet --
22 square feet. That's 2,979 square feet.

23 And the height of the sign on the
24 parking garage is more than 14 square feet, and
25 that is a hundred and -- I'm sorry -- 14 height

1 feet, and that is 116.

2 And now we're along the Boardwalk.
3 And along the Boardwalk there's a really
4 important frontage of signage, but we tried to
5 organize them well. That's the facade along the
6 Boardwalk. And each one of those is identical
7 in size. There are 15 wall signs, each one
8 either identifying the casino or a particular
9 venue or what's inside that door; at the cafe or
10 other -- other events. And there are 15 of
11 those. And they all require a variance because
12 there's more than two signs on that frontage.

13 And then a unique asset and a --
14 and a unique inclusion in the project from
15 Hard Rock is the service station. We've
16 appeared here before for the site plan approval
17 for the service station -- or for the review of
18 it.

19 The convenience store. There are
20 actually three buildings on that project. One
21 is a convenience store, one is a car wash, and
22 one is a canopy over the gas.

23 And on the -- on the convenience
24 store, we have four wall signs, each on the
25 building -- each building, mounted, and they're

1 typical for each elevation. And those sites --
2 those signs will require variances. They're
3 greater than 20 feet from grade. And one is
4 24.8 and the others on Virginia and Maryland are
5 22.6 feet above grade.

6 On the car wash, there -- it sounds
7 --

8 Maryland Avenue is actually very
9 important frontage to us and so is the inside of
10 the lot. And our signs are along Virginia
11 Avenue frontage and Maryland Avenue frontage.
12 Again, small, what we call the badge sign again,
13 but without the hotel casino logo. And they
14 will require variances as well. Both signs
15 require a variance for size greater than 200
16 square feet on the same linear frontage, and 220
17 square feet is -- 220 is permitted, and we're at
18 245 square feet, total.

19 And then finally, on the gas canopy
20 -- this is above the pumps and things, the
21 canopy, we have a linear signage along the face
22 of the canopy that's embedded in it. But, these
23 what we call badge signs or rock signs are,
24 again, eight canopy signs and canopy over the
25 gas pumps and two signs on each frontage. And

1 they all require variances. And again, more
2 than -- required for height as well as -- for
3 height. That's 21.2 feet instead of the 20 feet
4 required.

5 And that, really, is a summation.
6 But, I think it means to relate back to where we
7 came from and what the Taj had.

8 And -- and I think Christine made a
9 very good point in her -- in a well-prepared
10 review of the project. Like how does this
11 relate to other properties and how does this
12 relate to where we were. And candidly, it was
13 an interesting question. And we did a little
14 homework to make sure we could answer that.

15 If we took the two towers together,
16 Tower One and Tower Two, now, candidly, Tower --
17 Tower One, the older tower, always had signage
18 on it, and there was a lot of it.

19 Tower Two never had a sign. They
20 never put a sign on that.

21 But, when we add Tower One and
22 Tower Two together, we have a total square
23 footage of 12,518 square foot of signage on that
24 one building -- on those two buildings combined,
25 but it's really one.

1 BY JACK PLACKTER:

2 Q. That was on --

3 A. Tower One and Two, combined.

4 Q. That was the Taj.

5 A. That's the Taj.

6 Q. Correct.

7 So, the Taj had how many square
8 feet?

9 A. The Taj had 12,518.

10 Q. Okay.

11 A. Hard Rock, our new proposal, has
12 6,886 square feet. So, we're -- we're closing
13 in on half. We're a little bit more than half
14 the signs that was on the towers previously.

15 The garage, we have -- their
16 signage was 3,401 square feet on the perimeter
17 of the garage. They did not have a sign on --
18 technically, a sign on Pennsylvania Avenue, but,
19 actually, they did. They put a banner up on the
20 entire corner, vertical edge of the garage, on
21 Virginia -- Pennsylvania and Pacific. A very
22 large banner. I'm not including that in their
23 3,401 square feet.

24 For our garage, the Hard Rock
25 garage, it's 4,068 square feet.

1 Q. But, if you -- but, if you included
2 the banner, --

3 A. If we included a banner --

4 Q. -- the Taj -- the Taj signage would
5 be much greater than what we're proposing.

6 Is that correct?

7 A. Yes. It would be much greater.

8 We're only about 660 -- we're about
9 -- I'm sorry -- yeah -- 667 square feet more,
10 something like that.

11 And finally, the sky bridge, where
12 the little logos are, their sign -- and their
13 sign was dramatic on that sky bridge, as it was
14 on the porte-cochere.

15 And in some aspects, that -- the
16 porte-cochere signage, where they had their own
17 large dome, was higher than our guitar. But,
18 the same idea; to, you know, attract, the same
19 idea; to create a brand.

20 So, their sky bridge -- I'm -- I'm
21 sorry -- the Taj's sky bridge was 943 square
22 feet of signage, and our sky bridge, including
23 both sides, with that linear type, is only 113
24 square feet of signage.

25 So, we believe we have a respectful

1 request. We don't think we've over-signed.
2 We've tried to be respectful of both the
3 environment and the building; how it would
4 "recept" [pronounced incorrectly] it. We're
5 very conscious. We want to be noted, but we
6 don't want to be in poor taste. And we believe
7 that the signage package, as presented, enhances
8 the property, actually supports the
9 neighborhood, and supports the purposes of the
10 -- of the code -- of the ordinances that Jack
11 mentioned earlier.

12 It advances the purposes of the
13 Tourism District in Atlantic City; opening a
14 world-class tourism destination.

15 Q. And that's purpose number one. Is
16 that correct?

17 A. Yeah. Purpose number --
18 And we really believe the Hard
19 Rock's going to be a winner.

20 Three: It creates an improved
21 resort experience through a dynamic offering.
22 This really is going to be a different kind of
23 property. And there's a lot of energy
24 associated with it.

25 Five: It encourages innovative

1 land use to stimulate new markets and
2 strengthens the Tourism District and economic
3 base. We're diversified across the site. And
4 thank goodness for the location. We've got a
5 Boardwalk frontage, we've got a Pacific Avenue
6 frontage. We've got a lot of parking, more than
7 would be required if we were building new.
8 We've got a service station being added. And
9 we've got some -- some heroic and brand -- and
10 branding to -- to really let people know who's
11 here and that -- and that we've arrived.

12 Q. Yeah. And also, as a matter of
13 fact, The Hard Rock has some plans to really
14 allow visitors to enjoy the beach and --

15 A. Yes.

16 Q. Like really different from what
17 other hotel casinos are doing. Is that correct?

18 A. That's very true.

19 Q. Okay.

20 A. And we -- and -- and this also
21 utilize -- utilization of flexible development
22 controls to spur market-friendly development
23 that promotes a desirable and visual
24 environment.

25 And we think, aesthetically, when

1 you see the presentation of the exterior of the
2 building as it develops, I think you'll agree
3 it's a -- it's a -- it's a welcome change.

4 Q. So, that's purpose number 7. Isn't
5 that correct?

6 A. That's purpose number 7.

7 Q. So, you believe that, under the
8 flexible c., that those are the purposes of
9 zoning of the Tourism District regulations that
10 are advanced. Correct?

11 A. I do.

12 Q. Now, if these variances are
13 granted, do the benefits from the grant of these
14 variances outweigh any detriment that might
15 occur from the grant of these variances?

16 A. I, candidly, am not aware of any
17 detriment for the signage regulations.

18 Q. And if these variances are granted,
19 can they be granted without substantial
20 detriment to the public good or the zone plan
21 and zoning ordinance of the Tourism District?

22 A. I think we're very consistent
23 within the built -- environment of
24 Atlantic City. We're very consistent with the
25 pattern of the other hotel casinos.

1 Q. Mmm-hmm.

2 A. And I think it's a very respectful
3 request.

4 Q. And again, in your experience with
5 respect to Hard Rock, is this sign package kind
6 of comparable to other Hard Rock packages you've
7 worked with --

8 A. Very much so.

9 Q. -- in Florida and around the
10 country?

11 A. In fact, all of --
12 None of that signage was created
13 for this project. That's -- that's their
14 brands, and they're being brought here.

15 Q. Okay.

16 A. Very similar.

17 Q. Well, based on the facts you've
18 testified to, in addition to the variances, have
19 you formed an opinion of whether Hard Rock is
20 entitled to a site plan approval for the signage
21 package as well?

22 A. We do believe we've -- we've done
23 our best to work with the authority and all the
24 agencies and jurisdictions to --

25 Q. And have you had occasion to --

1 A. -- the environment.

2 Q. Have you had occasion to review
3 Miss Cofone's professional report?

4 A. I have.

5 Q. And do you have any questions or
6 concerns about any of the conditions or are we
7 willing to adhere to the conditions in her
8 report?

9 A. No. No -- no questions.

10 Q. So, you are in agreement?

11 A. Yes.

12 Q. Thank you.

13 JACK PLACKTER: That concludes my
14 direct testimony of Mr. Sykes.

15 LANCE LANDGRAF: I don't think I
16 have any questions of -- of Tom right now.

17 Thanks, Tom.

18 JACK PLACKTER: Okay.

19 LANCE LANDGRAF: Do you have
20 anything?

21 SCOTT COLLINS: Can I just jump in
22 for a second?

23 JACK PLACKTER: Sure.

24 SCOTT COLLINS: We got ahead of
25 ourselves a little bit.

1 Could we mark the application
2 materials that you submitted as A-1?

3 JACK PLACKTER: Sure.

4 SCOTT COLLINS: And what we've gone
5 through here, the digital presentation, includes
6 things that were not included in the
7 application. Correct?

8 JACK PLACKTER: Correct.

9 SCOTT COLLINS: So, we'll just --

10 JACK PLACKTER: Well, the answer is
11 that's --

12 So, just to summarize it, it really
13 --

14 All the stuff is in there, but we
15 just thought --

16 For ease of presentation, we tried
17 to consolidate it. So, we can send you --

18 We'll get you that.

19 And why don't we mark that as A-2?

20 And we'll -- we'll give you a --

21 We have a --

22 Do we have a hard copy?

23 BRIDGET SYKES: No. We'll get a
24 flash drive --

25 JACK PLACKTER: Yeah.

1 BRIDGET SYKES: -- and a hard copy
2 and send it over today.

3 SCOTT COLLINS: Perfect. Thank
4 you.

5 JACK PLACKTER: Just if I could
6 briefly call Mr. Barnhart.

7

8 DIRECT EXAMINATION

9 BY JACK PLACKTER:

10 Q. Mr. Barnhart, you were previously
11 sworn. Correct?

12 A. Yes.

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

16 A. Correct.

17 Q. And you also are familiar with the
18 Hard Rock signage application. Correct?

19 A. Yes.

20 Q. You've been to the site on one or
21 more occasions. You have reviewed the Tourism
22 District regulations. You have reviewed
23 Miss Cofone's report. Is that correct?

24 A. Yes.

25 Q. Okay.

1 JACK PLACKTER: Mr. Barnhart's been
2 here on a number of occasions. I would offer
3 him --

4 LANCE LANDGRAF: We'll stipulate to
5 that.

6 JACK PLACKTER: -- as an expert on
7 engineering and planning.

8 LANCE LANDGRAF: Absolutely. We'd
9 stipulate to that.

10 JON BARNHART: Thank you.

11 BY JACK PLACKTER:

12 Q. You heard Mr. Sykes testify.

13 A. I did.

14 Q. You were in the room. Correct?

15 A. Yes.

16 Q. I just want you to just, basically,
17 summarize. Do you also, as a professional
18 planner, agree that there's adequate
19 justification for these variances?

20 A. Sure. Well, as Tom pointed out,
21 the --

22 And what we're asking for is -- is
23 a number of c. variances from -- from your sign
24 ordinances.

25 But, I think, specifically, this

1 application actually promotes -- although that
2 it's not required in -- in a c. variance
3 application, I think it, specifically, promotes
4 three special reasons in -- within the Municipal
5 Land Use Law that I just -- I think that are
6 important to identify, briefly.

7 The first is, I think that this
8 application promotes the general welfare because
9 the signs' package is particularly well suited
10 for this -- this specific project.

11 Your -- your ordinance has a lot of
12 controls to it. Some of them are very strict.
13 But, I think, when you look at our site, you
14 look at the scope and scale of the project we
15 have here, we're talking about a 30 -- roughly,
16 a 30-acre property.

17 Tom might be able to speak to the
18 number of square feet under roof. It's a --
19 it's a small city. I mean, this is a -- this is
20 a -- big building.

21 So, although we have 80 signs and
22 there's many variances, if you look at the scope
23 and scale of the signage package and if you
24 looked at each one of those elevations as Tom
25 showed them to you, it's really -- we're not

1 looking at a proliferation of signs. On any one
2 of those elevations, you had to really look for
3 the signs, because that -- that's the size of
4 this -- and mass of this -- of this development.

5 So, I think that the signage
6 package helps promote the general welfare
7 because it supports the use. It gets people
8 around the property. It tells you what's there.
9 The larger signs on the tower, you're coming
10 from a distance, you can identify where the
11 Hard Rock casino is.

12 You know, we're hoping this -- that
13 this property is going to be an icon in the
14 city. Everybody believes that it will.

15 So, we believe that the signage
16 package does promote the general welfare.

17 I think, secondarily, I think we
18 can put forward that -- the purpose of zoning,
19 in that we're providing free flow of traffic.

20 So, a number of the signs, as you
21 saw in Tom's presentation, are informational and
22 directional.

23 The sign package will help move
24 both vehicles and pedestrians around the
25 property, which is important, especially when

1 you're in a building of this size. You go into
2 a -- you go into this site. If you don't have
3 appropriate signage, you start walking in
4 circles; you don't know where you're going. It
5 becomes very difficult.

6 So, the number of signs that we
7 propose are very important and, you can see,
8 very tastefully done to work with the scheme of
9 the building design.

10 So, we think that's a second
11 purpose of zoning that is advanced with the
12 application.

13 And the last is, providing a design
14 with visual environment through creative design
15 techniques.

16 You heard Tom say, these signs,
17 they're not just for here, this is their brand.
18 These are -- these -- these signs, the -- the
19 guitar, this is what creates the Hard Rock
20 brand. They are -- they are what will make this
21 property successful. They are what makes this
22 property unique.

23 So, I think that that purpose of
24 zoning is clearly advanced with the application.

25 With this being a c. variance,

1 obviously, this is not a hardship condition. We
2 are -- we're talking about the flexible c. We
3 believe that the benefits of the deviations
4 substantially outweigh any potential detriments
5 because, really, we don't see detriments. This
6 is -- this signage package is typical of the
7 casino industry. It's typical of the casino
8 industry in the City of Atlantic City.

9 And when you look at the two
10 negative prongs, the -- the first being, is
11 there a substantial detriment to the public
12 good, you're in -- you're in a casino zone, and
13 -- and -- and the public are -- are actually the
14 ones that are going to benefit from this --
15 these -- these signs when they come to the
16 property.

17 With regard to substantial
18 detriment to the zone plan or zoning ordinance,
19 again, we understand there are some pretty
20 strict controls with regard to signage, and
21 that's a good thing, because you don't -- you
22 certainly don't want to create signs in an area
23 that start deterring -- make things look ugly.

24 But, that's not what we have here.
25 We have a very well thought-out package that

1 works with the architectural design of the
2 building.

3 So, we believe that both prongs of
4 the negative criteria are satisfied as well.
5 And we believe that the variances can be
6 granted.

7 Q. Just one further question. You've
8 -- you and your firm have worked on a number of
9 hotel casinos in Atlantic City.

10 A. Yes.

11 Q. You've seen signage packages. Do
12 you find this signage package comparable to
13 other hotel casinos or greater or less than, or
14 how do you do that?

15 A. I would say very comparable. I
16 would say, in many cases, less than some of the
17 other properties.

18 Q. Okay. Thank you.

19 JACK PLACKTER: Any questions of
20 Mr. Barnhart?

21 LANCE LANDGRAF: I don't have
22 anything.

23 CHRISTINE COFONE: No. I just
24 wanted to make a comment that, you know, when we
25 were preparing our review letter, normally, on

1 an application that came in with this level of
2 deviation from the sign package, one of the
3 things that we would have asked for was can you
4 quantify the percentage of the wall areas. And
5 we didn't ask for that here because I think this
6 is a really unique site.

7 I think it's unique, and I think
8 that the size and massing, as both Mr. Barnhart
9 and Mr. Sykes said, I think the sign package is
10 really for --

11 JACK PLACKTER: Yeah.

12 CHRISTINE COFONE: -- a use like
13 this.

14 This is a unique-type use. It's a
15 unique location. It's -- it's almost like we
16 would want to invoke the c(1) criteria in
17 reverse here that -- as a positive attribute for
18 the site to justify the variances.

19 But, I certainly concur with the
20 testimony. And I just wanted to state on the
21 record that there was a reason why we didn't ask
22 for that calculation as a percentage of wall
23 area. Because I just think that this is a very
24 unique application. And I do think that the --
25 the signs are scaled appropriately to both the

1 --

2 JACK PLACKTER: Yeah.

3 CHRISTINE COFONE: -- building,
4 they're iconic, and to the garage.

5 And I understand -- I understand
6 the testimony and agree with the positive
7 criteria.

8 We don't really look at them as
9 special reasons because it's not a d. variance,
10 but, certainly, with a c(2) flexible c., there
11 is an obligation that you satisfy the positive
12 and negative criteria. And the positive
13 criteria are the purposes of the Municipal Land
14 Use Law that Mr. Barnhart cited. Specifically,
15 A, promoting the general welfare; H, the free
16 flow of traffic; and I, the desirable visual
17 environment.

18 So, I would agree with those as the
19 positive criteria satisfied.

20 JACK PLACKTER: Well, I -- just in
21 response about the wall -- the percentage of the
22 wall area, the only place we need any variances
23 --

24 Because we did compute that. And
25 we don't -- we do comply. We're well below the

1 -- the wall area, except on the -- on the
2 RockStop. We didn't -- there's a slight
3 deviation there for the amount of the wall area.

4 But, everywhere else, we're pretty
5 much within the 25 percent.

6 CHRISTINE COFONE: Right. Which
7 would indicate that the signs are appropriately
8 scaled on the building.

9 JACK PLACKTER: Yeah. Yeah. It's
10 just like there's some irregularities in terms
11 of, you know -- you know, a --

12 You know, an informational sign is
13 two square feet. You know, for those of us who
14 are a little bit older, I might not be able to
15 see any -- any letters on a two square foot
16 sign. So, I mean, it -- it, obviously, talks
17 about, you know, yeah, there should be some
18 deviations from that.

19 CHRISTINE COFONE: Yeah.

20 JACK PLACKTER: But, yeah.

21 We -- we appreciate everybody's
22 time in hearing this.

23 And, I guess, at this point, you
24 might want to open it up to the public and see
25 if they have any comment.

1 LANCE LANDGRAF: Okay. Thank you.

2 With that, I'll -- I will ask,
3 though. We'll open this meeting up to the
4 public. If anybody in the -- in the public
5 wants to make a statement, ask a question,
6 please do so now.

7 Don't everybody jump up at once.

8 Seeing none, we'll close the public
9 portion.

10 Anything further, Jack?

11 JACK PLACKTER: That's all. I'd
12 just like to thank the board. I really just
13 want to compliment the board and the CRDA and
14 the professionals for the quick review. You
15 know, you guys went above and beyond the call of
16 duty in helping us, you know, perfect this
17 application and getting it on for the hearing,
18 given that we have a short time. We're trying
19 to open this summer, so -- in the beginning of
20 the summer. So, we thank you very much for
21 that.

22 LANCE LANDGRAF: We'll do
23 everything we can to get things moving forward.

24 SCOTT COLLINS: Let's just, before
25 we close, mark Christine's letter dated March

1 7th, 2018. We'll call that B-1.

2 LANCE LANDGRAF: Okay. Do you have
3 anything else?

4 SCOTT COLLINS: I'll mark these.

5 ROBERT REID: No. I -- I just
6 wanted to say that the -- it's certainly the --
7 it seems appropriate, to me, the sign variances,
8 because it's substantially less than the 25
9 percent of the face of that building,
10 substantially less. So, I believe it meets the
11 intent.

12 JACK PLACKTER: Thank you.

13 ROBERT REID: Thank you.

14 LANCE LANDGRAF: Okay. If there's
15 no other testimony, we'll close the -- close the
16 hearing on this matter.

17 Our next hearing is April 5th,
18 10 A.M.

19 Jack, our next board meeting is the
20 17th of April.

21 JACK PLACKTER: Okay.

22 LANCE LANDGRAF: After this
23 meeting, I'm going to try and get you on for
24 Tuesday, --

25 JACK PLACKTER: Okay.

1 LANCE LANDGRAF: -- this coming
2 Tuesday.

3 I know that will help your -- your
4 process moving forward.

5 JACK PLACKTER: Absolutely.

6 LANCE LANDGRAF: We've got to jump
7 through some hoops to get that done, but --

8 JACK PLACKTER: Well, thank you.

9 LANCE LANDGRAF: -- I'm going to
10 try and do that.

11 I'll have that conversation today.
12 And I'll let you know if it's on for the board
13 agenda on Tuesday. If not, it would be --

14 April 17th is our next full board.

15 JACK PLACKTER: Thank you very
16 much.

17 LANCE LANDGRAF: Thanks, guys. I
18 appreciate it.

19 If there's no further public
20 comment, we'll close this meeting.

21 We're adjourned.

22 Thank you, everybody, for coming
23 out today.

24

25 (This public hearing concluded at

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10:39 A.M.)

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