

**CASINO REINVESTMENT DEVELOPMENT AUTHORITY**

**LAND USE REGULATION and ENFORCEMENT DIVISION**

BOARDWALK 1000, LLC

HARD ROCK HOTEL AND CASINO

SEEKING MINOR SITE PLAN APPROVAL and BULK

VARIANCE(S) FOR SIGNAGE

BLOCK 1, LOT 146; BLOCK 61, LOT 29  
1000 Boardwalk and Virginia Avenue,  
Atlantic City, NJ

**Application Number 2018-05-2398**

Thursday - June 7, 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 10:01 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

1

2 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

3

4 SCOTT G. COLLINS, ESQUIRE

RIKER, DANZIG, SCHERER, HYLAND &amp; PERRETTI

5

6 CHRISTINE COFONE

COFONE CONSULTING

7

8 WILLIAM ENGLAND

ADAMS, REHMANN &amp; HEGGAN

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2 COUNSEL FOR THE APPLICANT:

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4 JACK PLACKTER, ESQUIRE

FOX, ROTHSCHILD, LLP

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## I N D E X

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A1

B1

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(Time noted: 10:01 A.M.)

3

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6

LANCE LANDGRAF: I'll call the June 7th Land Use Regulation and Enforcement Division hearing to order.

7

8

9

We have a couple items on the agenda today. But, first we'll please rise for the Pledge of allegiance.

10

11

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

12

LANCE LANDGRAF: Thank you.

13

14

15

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

16

17

We have two items on the agenda, both from Boardwalk 1000, LLC.

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The first is Application Number 2018-05-2398, Boardwalk 1000, LLC, Hard Rock Hotel and Casino. This is the signage application, the minor site plan for the signage.

23

JACK PLACKTER: Correct.

24

LANCE LANDGRAF: Okay.

25

Mr. Plackter, if you would --

1 JACK PLACKTER: Yes.

2 Good morning. May it please the  
3 board, Jack Plackter, from Fox, Rothschild. I  
4 am counsel for Boardwalk 1000, a New Jersey  
5 Limited Liability Company.

6 As you see before you, basically,  
7 this is kind of a partnership, almost, between  
8 Steel Pier -- and we have Mr. Catanuso, who's  
9 the principal of Steel Pier.

10 The Hard Rock, we were going to  
11 have a representative of Hard Rock, but they're  
12 so -- they're so busy trying to open that they  
13 don't have time to go anywhere, and they have a  
14 June 28th opening.

15 But, I think what's really exciting  
16 about his application is that, as we all know,  
17 when you look at that end of the Boardwalk, it's  
18 been dead for several years.

19 You know, Steel Pier has a very  
20 significant investment there. We believe that,  
21 synergistically, once Hard Rock opens and also  
22 Ocean resort, it's gonna make that whole area  
23 vibrant.

24 And what the purpose of this  
25 application is, is, on this bridge sign, which

1 is over the Boardwalk, the bridge which spans  
2 the Boardwalk and the structure that also sits  
3 on the Boardwalk, we wanted to create some  
4 excitement to draw people who are walking down  
5 the Boardwalk. Even though not all the people  
6 come from the Boardwalk, it's still the major  
7 pedestrian way, it's a public street, and we  
8 wanted to be able to draw people down to that  
9 area of the Boardwalk.

10 So, we believe that this particular  
11 proposal promotes a number of purposes of the  
12 Tourism District, in terms of -- and you'll hear  
13 Mr. Barnhart testify about that, but we believe  
14 that it promotes several purposes.

15 LANCE LANDGRAF: Jack, if I could.  
16 I forgot to ask Mr. Reid to -- just to confirm  
17 we've got proper notice here. So...

18 JACK PLACKTER: Yeah. I was going  
19 to do that, but...

20 LANCE LANDGRAF: Okay. All right.  
21 Go ahead.

22 JACK PLACKTER: Yeah.

23 So, we believe that it -- I'll do  
24 that now for you.

25 So, in accordance with New Jersey



1 Municipal Land Use Law, we did cause a notice of  
2 this hearing to be published in the  
3 Atlantic City Press on May 28th, and also sent  
4 certified mail notices to all property owners  
5 within 200 feet on May 25th.

6 We did produce an attorney  
7 affidavit to Mr. Reid, and we'll just ask him to  
8 indicate whether we have jurisdiction for the  
9 hearing.

10 ROBERT REID: Yes. I've reviewed  
11 the documents submitted by Mr. Plackter, and we  
12 have jurisdiction to hear the application.

13 LANCE LANDGRAF: Good. Thank you.

14 JACK PLACKTER: Thank you.

15 LANCE LANDGRAF: Go ahead.

16 JACK PLACKTER: So, in talking  
17 about, you know, the excitement, we think that  
18 this is going to, you know, reinvigorate the  
19 area.

20 We believe it promotes a number of  
21 purposes of the Tourism District, which include  
22 but are not necessarily limited to, when you  
23 look at the purposes in your own ordinance, it  
24 advances the purpose of the Atlantic City  
25 Tourism District by enabling the opening and

1 promotion of two world-class, you know, tourist  
2 destinations, meaning Steel Pier activities, as  
3 well as Hard Rock.

4 It creates an improved resort  
5 experience through new and dynamic offerings,  
6 which is purpose number 3, in that we're going  
7 to be advertising -- not only identifying  
8 Hard Rock, but advertising what's going on at  
9 Steel Pier. Also, what's advertised at  
10 Hard Rock.

11 In addition -- and I just want to  
12 be clear, that electronic billboard sign, we  
13 would like permission to also -- it's going to  
14 be minimal, but we'd also like permission, and  
15 we advertised for it, to be able to include  
16 third-party advertising. But, that's going to  
17 be minimal. It's going to be about 90 percent  
18 probably, predominantly, Hard Rock, but there  
19 will be some Steel Pier.

20 And that requires, you know, a  
21 d. variance. Because, technically, if it was a  
22 freestanding advertising sign, that would  
23 require a d. And in our notice, we did call  
24 that out; that we were asking permission for an  
25 advertising sign rather than a business

1 information sign.

2 We also think that it promotes  
3 purpose 3 -- 5, encourages innovative land uses  
4 to stimulate new markets and strengthens the  
5 Tourism District's economic base. We believe  
6 these signs will ensure -- although we think  
7 we're going to both be successful, we think  
8 they'll ensure that as well.

9 And then a utilization of flexible  
10 development controls to spur market-friendly  
11 development that promotes a desirable visual  
12 environment.

13 So, those are the purposes that we  
14 think it promotes.

15 What we're asking for is, if you  
16 look at the plans that were filed that are up on  
17 the display, there's four signs. There's two --

18 LANCE LANDGRAF: Excuse me for one  
19 second.

20 JACK PLACKTER: Yes.

21 LANCE LANDGRAF: Can you dim the  
22 lights on that end so that --

23 Thank you.

24 JACK PLACKTER: So, the first  
25 elevation, which is on top, demonstrates the

1 elevation that you would be -- you would see if  
2 you're approaching from -- you know, from  
3 Resorts, if you're walking down the Boardwalk  
4 and you're going toward Hard Rock and Steel  
5 Pier. So, there's a badge sign.

6 And we were very conservative. We  
7 took not only the logo, which you do have to box  
8 out rectangularly, but we also -- there's a wrap  
9 that goes around. When we also --

10 Mr. Barnhart's going to -- included  
11 that in the square footage.

12 It's really not a sign, but we  
13 just, to be conservative, you know, put that  
14 forth as well as part of the square footage.

15 Similarly, there's a -- I guess, a  
16 mirror image of that Hard Rock badge sign on the  
17 other side of the bridge, which is on the lower  
18 elevations. So, those are two of the four  
19 signs.

20 The other two signs are a Steel  
21 Pier sign, which you can see below, and then, of  
22 course, there's that electronic billboard.

23 And there's actually two separate  
24 parts. You have the bridge structure, and then  
25 you have the base structure that goes, you know,

1 on the other side of the bridge.

2 So, that's how we're going to  
3 testify.

4 At this time, I'd like to have  
5 Mr. Barnhart sworn in, who will testify about  
6 the signage.

7 Mr. Barnhart.

8 Would you swear him in?

9 SCOTT COLLINS: Do you swear to  
10 tell the truth, the whole truth and nothing but  
11 the truth in your testimony before this board?

12 JON BARNHART: I do.

13 SCOTT COLLINS: Thank you.

14 JACK PLACKTER: Also, I guess we  
15 can assume that the board professionals have  
16 been previously sworn, or do you want to swear  
17 them in as well?

18 SCOTT COLLINS: They have been  
19 previously sworn.

20 JACK PLACKTER: Okay. Fine.  
21 Thanks.

22 LANCE LANDGRAF: We would stipulate  
23 to Mr. Barnhart's credentials in this case.

24 JACK PLACKTER: Okay. Yes.

25 SCOTT COLLINS: Thank you.

1

2 DIRECT EXAMINATION

3 BY JACK PLACKTER:

4 Q. So, Mr. Barnhart, you're a licensed

5 --

6 SCOTT COLLINS: As both a planner  
7 and a engineer?

8 JON BARNHART: Yes.

9 SCOTT COLLINS: Okay.

10 JON BARNHART: Thank you.

11 SCOTT COLLINS: Sorry.

12 BY JACK PLACKTER:

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

16 A. Yes.

17 Q. And you're employed by Art Ponzio &  
18 Associates. Correct?

19 A. That's correct.

20 Q. Okay. And were you engaged by  
21 Boardwalk 1000 to present testimony today?

22 A. Yes.

23 Q. And in connection with that  
24 testimony, have you been to Steel -- the site of  
25 Steel Pier and the site of the Hard Rock on the

1 Boardwalk on at least one or more occasions?

2 A. Yes.

3 Q. Okay. Similarly, in connection  
4 with your testimony, were these plans that  
5 you're going to testify from either prepared by  
6 you or under your direction and are you familiar  
7 with them?

8 A. I'm familiar with them. The plans  
9 were prepared by SOSH architects.

10 Q. Okay.

11 A. And John DeRichie is -- is here.

12 JACK PLACKTER: We do have John  
13 here in case there's any architectural  
14 questions.

15 BY JACK PLACKTER:

16 Q. In addition, have you had occasion  
17 to review the Tourism District regulations in  
18 connection with your testimony?

19 A. Yes.

20 Q. And finally, have you reviewed the  
21 professional reports prepared by the board  
22 planner?

23 A. Yes.

24 Q. Okay. Now, based upon that, then,  
25 would you describe the existing conditions?

1           A.       Sure. I think everybody's familiar  
2 with -- with -- with what the facility currently  
3 looks like.

4                   The location of the project is the  
5 skybridge that connects the former Taj Mahal,  
6 soon to be Hard Rock Casino, with the structure,  
7 the building structure, that sits on the Steel  
8 Pier. And then the -- and then the other -- and  
9 then two of the signs, both, are proposed to  
10 actually sit on the face of that Steel Pier  
11 building that you -- is the structure that you  
12 walk through before you get out to the amusement  
13 portion of the pier.

14                  The proposal this morning is to  
15 develop that area with three different signs  
16 kind of for three different purposes, we'll say.

17                  The first that I'll talk about is  
18 the sign that you can see on the exhibit that is  
19 up for Hard Rock Casino, which will be on the  
20 bridge.

21                  As -- as submitted, the -- what you  
22 can see there, that -- the bridge facade -- and  
23 I'm just going to put some numbers into the  
24 record for -- to make sure we're all on the same  
25 page.



1                   The bridge facade has a total  
2     calculated area of 2,067 square feet.

3                   What is proposed is the Hard Rock  
4     emblem logo that you can see in that exhibit.  
5     And then you can -- you also see the -- the red  
6     outlined rectangular shape that goes from one  
7     side of the bridge to the other. That is an  
8     applied skin that will have a graphic -- will  
9     potentially have a graphic on it. I don't think  
10    they've determined what the graphic will be.  
11    So, what they have -- what they have requested,  
12    to be conservative, is that that entire  
13    Hard Rock emblem, boxed out, together with that  
14    -- with that rectangular shape going from  
15    end-to-end on the pier be classified as a sign,  
16    which is what the -- which is what -- what  
17    calculates to be 52.4 percent of the -- of the  
18    facade of that pier -- I'm sorry -- of that  
19    skybridge.

20                  So, what you -- what you see,  
21    really, is that -- what you see, really, is that  
22    the actual Hard Rock sign itself, if you  
23    calculate out the box around the Hard Rock sign,  
24    that sign actually calculates to only 32 percent  
25    of the facade. And if you take an even more

1 strict approach to modifying the box to just  
2 around the lettering and -- and the structure  
3 itself, it actually drops it down under 20  
4 percent.

5 So, the Hard Rock sign itself is  
6 actually -- all by itself, actually would  
7 comply, but the entire -- the entire emblem with  
8 the -- with the wrap that runs from one side of  
9 the bridge to the other is what creates the 52  
10 percent and what creates the deviation from the  
11 land use ordinance.

12 The other two signs, as Jack  
13 already pointed out, are on the face of the  
14 structure of the Steel Pier building.

15 The -- the lower of the two signs  
16 is the Steel Pier identification sign you can  
17 see there. That has a total square foot area of  
18 -- to be exact, 478.5 square feet.

19 And then the structure -- the sign  
20 above it is a proposed LED sign, which will be  
21 multi-message. It will be -- it would be a  
22 changeable LED sign, which, I believe, by your  
23 ordinance, is classified as an electronic  
24 billboard, by definition. That structure area  
25 is proposed to be 600 square feet.

1                   If you calculate the area of the  
2 billboard -- the electronic billboard together  
3 with the Steel Pier structure and you put that  
4 against the square footage of the facade, the  
5 total of the facade of that building, I do need  
6 to make one point of clarity: That we recognize  
7 that the -- these -- the purported square  
8 footage on this plan of that facade is actually  
9 less -- less than what it -- what it -- what it  
10 actually is. So, we do need to clarify that.

11                   The facade of that Steel Pier  
12 structure is actually 3,842 square feet.

13                   So, when you do the math, the total  
14 area of those two signs as compared to the  
15 facade calculates out to 28 percent of that  
16 building facade. So, it's actually -- it's  
17 actually a lesser degree of a variance than what  
18 we had originally contemplated.

19           Q.       And also, did you have occasion to  
20 take a look at the Steel Pier as a structure,  
21 since it's connected?

22           A.       Yeah. So, interestingly enough --  
23 and we've done a number of these. I think we've  
24 actually had this conversation in front -- in  
25 front of -- of this board before. How you

1 calculate what the facade of a building is is --  
2 is -- is interesting because you get different  
3 projections of things. But --

4           Although we're -- we're recognizing  
5 it's a variance, because we do have a defined  
6 building here, if you were to step back and look  
7 -- look toward the pier, you've got the front  
8 piece of the building, which is in line with the  
9 build -- with the -- with the pier structure,  
10 which has a depth of about five or six feet for  
11 the whole length of the pier, all in that same  
12 plane. So, if you took the literal definition  
13 of facade, these signs would actually more than  
14 comply. If you added in that -- you know, that  
15 five foot dimension for the -- what is it --  
16 almost a thousand feet long of a pier, you'd be  
17 getting the -- the benefit of -- of a lot more  
18 square footage of your facade. So, your 25  
19 percent number would actually be -- would  
20 actually permit much more signage. But...

21           LANCE LANDGRAF: Right. But,  
22 there's other signs on that --

23           JON BARNHART: Correct. Correct.

24           So -- so, my -- but, my -- so, my  
25 point being that we've -- we've taken the

1 conservative and, we think, appropriate approach  
2 that we're just looking at this structure and  
3 the signs that we're putting on this structure,  
4 and that's what we're -- that's the relief that  
5 we are requesting.

6 LANCE LANDGRAF: I would -- I would  
7 agree with that. That's how I would couch this.

8 JON BARNHART: But, as -- as a  
9 person --

10 The idea of the -- of sign -- of  
11 the 25 percent, as I -- we understand it, is --  
12 is to avoid sign proliferation on the side of a  
13 building.

14 When you do step way back from this  
15 pier and you're looking at the signs, you've got  
16 the giant amusements. You've got a lot going  
17 on. So -- so, from a justification standpoint,  
18 we think that the request, although it is a  
19 deviation, is -- is a de minimis request because  
20 it really does not overtake this Steel Pier in  
21 any fashion whatsoever.

22 BY JACK PLACKTER:

23 Q. All right. And similarly, if you  
24 look at the elevation of Hard Rock -- and we --  
25 you can see the signs are going up, and they --

1     they look great, I think.

2                     But, if you look at the total  
3     square footage of the facades of Hard Rock, we  
4     would be nowhere near the 25 percent if you --

5             A.       If you applied the full facade --

6             Q.       Correct.

7             A.       -- of that side of the building  
8     from Hard Rock.

9             Q.       Right. Correct.

10                    JACK PLACKTER: But, again, we're  
11     still asking for the variance. We're just  
12     pointing out we don't need it --

13                    JON BARNHART: Because it's just  
14     from the bridge.

15                    JACK PLACKTER: The overall  
16     proliferation of signs.

17     BY JACK PLACKTER:

18             Q.       Please continue.

19             A.       Okay. So -- so, that's the  
20     technical details of what it is we are -- we are  
21     requesting.

22                    As Jack pointed out, on the Steel  
23     Pier building, the lower sign is a -- you know,  
24     is a -- a box sign, internally lit sign, that  
25     will just -- that will -- that will say Steel

1 Pier, as you see on the exhibit.

2 The sign above is proposed to be an  
3 LED multi-message sign, which is not permitted,  
4 as you know, as per land use ordinance.

5 And then the position of that sign,  
6 as pointed out in the report, is higher than  
7 what an electronic billboard is permitted to be.  
8 An electronic billboard is permitted to be 40  
9 feet. This bill -- this billboard is actually  
10 56.25 feet above grade.

11 Because it is, by definition, an  
12 electronic billboard, the height is then limited  
13 to the 40 feet, but as a matter of, I guess,  
14 practicality, I believe that the intention --

15 Typically, when you think of an  
16 electronic billboard, you're thinking of an  
17 electronic billboard on a pole or some kind of  
18 structure.

19 This sign is not above the roof.  
20 It meets all the requirements for its position  
21 and height for a wall-type sign.

22 So, although we need the variance,  
23 I don't think that the -- that the height,  
24 really, with -- with this specific location,  
25 creates any real -- any real negative impact on

1     anybody.

2                     So, that's kind of the -- the  
3     technical side of it.

4                     So, we'll get into the  
5     justifications of the variance.

6             Q.       Okay. And also, let's address the  
7     -- how that electronic billboard is going to be  
8     used.

9             A.       Sure. So, as it was described  
10    already, the sign is -- 90 percent of the time  
11    of the sign, of the multi-message sign, as we  
12    understand, is anticipated to be used for -- for  
13    Hard Rock.

14            Q.       And Steel Pier -- or Steel Pier.

15            A.       And Steel Pier. Yeah.

16                     And the -- and the balance of it  
17    may be used for advertisement of -- of other --  
18    other things, whether it be goods, services or  
19    other -- other locations.

20            Q.       Mmm-hmm.

21            A.       But, it's just going to be a minor  
22    portion of the sign usage.

23            Q.       Okay.

24            A.       So, with regard to the  
25    justification, Jack already pointed -- pointed a



1 couple of things out and so does Ms. Cofone's  
2 report, but I just want, you know, to put them  
3 all into the record.

4 The -- we believe that the  
5 application certainly does promote the purpose  
6 of the Tourism District. And I'm just going to  
7 go right back through them.

8 Number one, it advances the purpose  
9 of Atlantic City's Tourism District Act by  
10 enabling the opening of a world-class tourist  
11 destination. These signs are just one small  
12 component of -- of helping to make these  
13 facilities successful; by identifying them, by  
14 letting patrons that are coming down the  
15 Boardwalk see where they are, by providing some  
16 excitement on the Boardwalk with these -- with  
17 these well -- you know, these -- these  
18 well-detailed and lit sign structures. So, we  
19 believe that that purpose is advanced.

20 Second, it creates an improved  
21 resort experience through new and dynamic  
22 offerings. Again, it's -- it's a -- this is a  
23 well thought out, very tasteful signage package  
24 which -- which works with the two adjacent  
25 properties -- which works with the two adjacent

1 properties. And although there are a lot of  
2 controls on signage and, specifically, LED  
3 signage is not -- an electronic billboard is not  
4 permitted, if you look to the Atlantic City --  
5 I'm sorry -- the CRDA master plan -- and I  
6 actually have it with me -- Volume II of the  
7 master plan, there are some -- there are some  
8 potential exhibits in that Volume II of the  
9 master plan that show potential Boardwalk  
10 signage. And it has exciting signage on it, all  
11 -- all different types of signage to help -- to  
12 help create a very lively, bright and vibrant  
13 type of atmosphere on the Boardwalk.

14 We think that although these signs  
15 are not enormous, we think that they have at  
16 least three different signs nicely identifying  
17 these properties, with the option of the  
18 multi-message sign, helps to bring that forward.  
19 So, it advances that -- that purposes -- purpose  
20 of -- of -- of the master plan.

21 The third item is to encourage  
22 innovative land uses to stimulate new markets  
23 and strengthen the Tourism District and economic  
24 base. Obviously, that is the whole -- the --  
25 the goal of both of these really key projects in

1 the City of Atlantic City; being Hard Rock and  
2 the Steel Pier.

3 And then finally, utilization of  
4 flexible development controls to spur  
5 market-friendly development that promote a  
6 desirable visual environment. I kind of already  
7 touched on that. You know, we think that these  
8 signs help -- help to create some liveliness in  
9 this area of the Boardwalk, and then, obviously,  
10 most importantly, identify the uses that they  
11 are supporting.

12 So, you know, with regard to the  
13 special reasons or purposes of building in the  
14 Municipal Land Use Law, the -- the items that I  
15 just went through kind of go hand-in-hand with  
16 those, but I think that this is an application  
17 that certainly provides a desirable visual  
18 environment through creative design techniques,  
19 and I think that it also is an application that  
20 promotes the general welfare because it does --  
21 it does support these uses; that -- that people  
22 coming to the community will utilize and will be  
23 able to identify, as they do utilize the  
24 Atlantic City Boardwalk facility.

25 With --

1 Q. Go ahead.

2 A. Oh. With regard to the negative  
3 criteria for the app -- for the variances, is  
4 there a substantial detriment to the zone plan  
5 or zoning ordinance. I would argue that there  
6 is not. I think that, as, again, if you look --  
7 talking about the size, the shape, the height,  
8 if you step back and you look at these  
9 properties as a whole, if you look at the Steel  
10 Pier, you look at -- you look at Taj Mahal,  
11 which is over a 20 acre piece of property, the  
12 Steel Pier is a thousand feet or so long, you're  
13 talking about, together, one of the largest  
14 structures in the City of Atlantic City. And  
15 when you look at that -- at that facade,  
16 especially the -- the Hard Rock side, there is  
17 -- there is really not that much signage on it.

18 So, this is -- this is, we think,  
19 key identification of two -- of two very, very  
20 important projects in the City of Atlantic City  
21 that's being done in a tasteful manner that does  
22 not overtake the Boardwalk and does --  
23 certainly, does not overtake the buildings  
24 themselves. So, we believe that there is no  
25 substantial detriment to the zone plan or zoning

1 ordinance.

2 With regard to a substantial  
3 detriment to the public good, frankly, this is a  
4 location where there is, really, no residential  
5 to impact. There -- this is a location that --  
6 that these signs really are for the public.  
7 They're for the purpose of people coming down  
8 the Boardwalk. Oh, there is -- there it is, we  
9 can see the -- we see Hard -- Hard Rock's right  
10 up ahead, we see Steel Pier's right up ahead.  
11 That's where they're going. It's really -- it's  
12 really for the -- for the public to actually be  
13 able to -- to glean the information and be able  
14 to know where it is that they want to go. So,  
15 we believe that there is no substantial  
16 detriment to the public good because there's  
17 really no negative impact to any of the  
18 surrounding properties or to the public in  
19 general.

20 Q. If these variances are granted,  
21 will they be either inconsistent with the master  
22 plan or zoning ordinance of the City of Atlantic  
23 City or the Tourism District regulations?

24 A. I do not believe they will, for all  
25 the reasons I've already stated.

1           Q.       Okay. And also, you're familiar  
2 with the Boardwalk.

3           A.       Yes.

4           Q.       I mean, this LED sign, for example,  
5 will not be anything unique. In fact, there's  
6 LED signs almost every block leading up to Steel  
7 Pier and the Hard Rock. Correct?

8           A.       Yeah. There -- there was an LED  
9 sign project done on the Boardwalk, as we know,  
10 that creates a series of LED signs as you walk  
11 down the Boardwalk, on the ocean side edge of  
12 the Boardwalk itself. So, yes, LED --

13                   These -- this LED sign would not be  
14 something that is new to the Boardwalk.

15                   We did -- as you know, we did a --  
16 an application for Tropicana to create an LED  
17 experience on the front of their building.

18                   Again, I go back to -- and we look  
19 at it all the time -- the CRDA master plan. The  
20 idea of the Boardwalk was to make it bright,  
21 light, exciting, you know. And while one sign  
22 doesn't do that, you keep doing these and, all  
23 of a sudden, you get that -- you get that  
24 appearance. Then that's, I think, the key to a  
25 project like this.

1                   If you take just the billboard, the  
2   LED billboard, on the Steel Pier by itself,  
3   okay, it's nice, it provides information, but it  
4   doesn't give you what you're looking for in  
5   total. But, as these projects come forward and  
6   they want to do these things, then you finally  
7   do, eventually, get that experience that, I  
8   think, the master plan has been looking for.

9           Q.       And have you reviewed the  
10   professional reports that were issued by  
11   Ms. Cofone?

12          A.       Yes.

13          Q.       And do we have any problems with  
14   any of her conditions?

15          A.       I do not.

16                   Where is my copy?

17          Q.       Here it is, right here.

18          A.       Oh.

19          Q.       I took it from you.

20          A.       Oh.

21                   No. We've -- we've reviewed  
22   Ms. Cofone's report. Once Ms. Cofone and -- or  
23   Mr. England go through their comments, we can  
24   certainly provide any additional information  
25   or testimony that's necessary, but we'll -- we

1 have no -- we take no exception to anything in  
2 the report.

3 Q. Yeah. And finally, based upon the  
4 facts you testified, your review of the  
5 professional reports, have you formed an opinion  
6 whether this applicant's entitled to a minor  
7 site plan approval as well?

8 A. I believe they are. I mean, there  
9 really are no site plan issues, per se. There's  
10 no change to any of the site operations or  
11 function or circulation or anything. This is  
12 purely a sign application.

13 Q. All right. Thank you.

14 LANCE LANDGRAF: Mr. Plackter, I  
15 have one --

16 JACK PLACKTER: Sure.

17 LANCE LANDGRAF: -- comment and --  
18 before we get to Christine's report.

19 I think there may be an additional  
20 variance needed for that wrap over the windows.  
21 Because they are windows, there's a section of  
22 our -- our regulations, 19:665.7G9, window  
23 signs, --

24 JACK PLACKTER: Mmm-hmm.

25 LANCE LANDGRAF: -- you can only



1 cover 25 percent of those windows.

2 JACK PLACKTER: Yeah.

3 LANCE LANDGRAF: So, it looks like  
4 you're going to wrap the whole thing on both  
5 sides.

6 JACK PLACKTER: Yeah.

7 LANCE LANDGRAF: So, we can amend  
8 that application to include that.

9 CHRISTINE COFONE: I don't have  
10 that variance.

11 UNIDENTIFIED MALE SPEAKER FROM THE  
12 AUDIENCE: You can move the variance --

13 JACK PLACKTER: Yeah. So...

14 LANCE LANDGRAF: I know.

15 JACK PLACKTER: Yeah. I don't know  
16 if you want to swear in Mr. Catanuso, but ...

17 LANCE LANDGRAF: All of these --  
18 these glass pane windows is a stretch --

19 JACK PLACKTER: Right.

20 LANCE LANDGRAF: -- because they're  
21 -- they're kind of opaque.

22 You can't really --

23 JACK PLACKTER: Actually, I would  
24 concur with you. We do need --

25 And we did -- we did have a

1 catchall provision.

2 LANCE LANDGRAF: I'm sure you did.  
3 just seeing it today, I'm like, you know what --

4 JACK PLACKTER: No. I appreciate  
5 that.

6 We had talked about that. And,  
7 yeah, I think you're correct.

8 LANCE LANDGRAF: And the aesthetic  
9 improvement that alone will create is a -- is a  
10 positive for that. The windows have been up a  
11 long time and they haven't -- they haven't fared  
12 well.

13 JACK PLACKTER: I think that may be  
14 why they just wanted to wrap it, because they  
15 otherwise --

16 JON BARNHART: Isn't that why  
17 they're doing that?

18 LANCE LANDGRAF: Yeah. They'd have  
19 to replace them all.

20 JACK PLACKTER: Yeah.

21 JON BARNHART: They're doing the  
22 wrap to make it look nicer. Yeah.

23 LANCE LANDGRAF: I won't disagree.

24 CHRISTINE COFONE: Which is  
25 certainly consistent with one of the positive

1 criteria in the land use law; a desirable visual  
2 environment.

3 So, I think that there's definitely  
4 justification for that variance, but it's  
5 probably a technical variance.

6 JACK PLACKTER: Correct. Thank you  
7 for pointing that out.

8 JON BARNHART: Thank you.

9 LANCE LANDGRAF: With that, I'll  
10 ask Christine if you want to go through your  
11 report real quick.

12 CHRISTINE COFONE: Yep.

13 So, thank you. Mr. Barnhart, as he  
14 always does, certainly walked through the proofs  
15 that we requested in our report.

16 My only concern at this point would  
17 be with the advertising, the off-site  
18 advertising, that percentage of the sign. I  
19 mean, certainly, with all the things that you  
20 testified to this morning, wanting to have these  
21 signs and bring vitality to Atlantic City, we  
22 would just want to make sure -- and I think we  
23 brought this up in Tropicana as well -- that we  
24 don't want any off-site advertising that's going  
25 to conflict with any of our restaurants,

1 amusement piers, anything going on in  
2 Atlantic City. Like we certainly wouldn't want  
3 anybody advertising that there's a wine festival  
4 in Smithville or something today. So, I think  
5 it would be important. And I would recommend  
6 that as a condition, because that is a  
7 d. variance. So, I do think we have the right  
8 to impose reasonable conditions. And I do  
9 think, given the goals of the Tourism District  
10 that you cited here today, --

11 JACK PLACKTER: Absolutely.

12 CHRISTINE COFONE: -- I think that  
13 there should be a requirement that that off-site  
14 not include -- that any off-site advertising not  
15 include any competition of any business in  
16 Atlantic City.

17 JACK PLACKTER: Well, yeah.  
18 Mr. Canuso -- Mr. Catanuso -- excuse me -- is in  
19 the audience, and he shook his head, but if you  
20 want to testify -- if you want him to be sworn  
21 in, he can certainly testify to that; that  
22 that's acceptable.

23 LANCE LANDGRAF: I think that would  
24 be helpful. Yes.

25 SCOTT COLLINS: Would you raise

1     your right hand, please?

2                   Do you swear to tell the truth, the  
3     whole truth and nothing but the truth in your  
4     testimony before this board?

5                   UNIDENTIFIED MALE SPEAKER FROM THE  
6     AUDIENCE:    I do.

7                   SCOTT COLLINS:   Thank you.

8                   JACK PLACKTER:   So, first of all,  
9     that sign, just for the record, is going to be  
10    owned by Steel -- Steel Pier.  That -- that's  
11    your sign.

12                  MEMBER FROM THE AUDIENCE (ANTHONY  
13    CATANUSO):    That's our sign.

14                  JACK PLACKTER:   So, Mr. Catanuso  
15    controls that.

16                  CHRISTINE COFONE:  Great.

17                  JACK PLACKTER:   So, just -- if you  
18    can briefly just describe what you see as the  
19    operation of that sign.

20                  MEMBER FROM THE AUDIENCE (ANTHONY  
21    CATANUSO):    Yeah.  Primarily, we -- we wanted it  
22    up there to advertise what we -- we had going  
23    on; run our commercial, our events.

24                  We have vendors up there.  We have  
25    -- you know, we have Coke, we have liquor

1 companies, beer companies, food companies. They  
2 all may want to advertise, but it's all -- you  
3 know, that's all contained in -- on our  
4 property.

5 When we showed this sign to Jim  
6 Allen at Hard Rock, when we were negotiating for  
7 the bridge, he had said, well, look, we -- you  
8 know, we'll -- if you're doing advertising,  
9 we'll take 90 percent of it.

10 And we assume. With 300 live  
11 events, I doubt if we'll -- Steel Pier will have  
12 five percent of the sign.

13 CHRISTINE COFONE: Right. Right.

14 MEMBER FROM THE AUDIENCE (ANTHONY  
15 CATANUSO): And, you know, that -- it -- it will  
16 be an income-producing sign for us, which is,  
17 you know, our goal.

18 So, between Hard Rock and Steel  
19 Pier, it will be swallowed up. We're not going  
20 to -- we don't want to take anyone off the  
21 property. I don't want to send people to the  
22 Marina District or down the Boardwalk.

23 CHRISTINE COFONE: Right. Right.

24 MEMBER FROM THE AUDIENCE (ANTHONY  
25 CATANUSO): So, you know, we've been in the dark

1     ages for a few years. We want to keep them down  
2     our end.

3                   JACK PLACKTER: And you, in the  
4     audience, you heard Ms. Cofone's condition; that  
5     she doesn't want us to advertise for third  
6     parties, something that would be inconsistent  
7     with --

8                   MEMBER FROM THE AUDIENCE (ANTHONY  
9     CATANUSO): Yes.

10                  JACK PLACKTER: -- things going on  
11     --

12                  CHRISTINE COFONE: In  
13     Atlantic City. Or promoting uses elsewhere  
14     other than Atlantic City.

15                  JACK PLACKTER: Yeah.

16                  MEMBER FROM THE AUDIENCE (ANTHONY  
17     CATANUSO): Yeah.

18                  CHRISTINE COFONE: Because I think  
19     that that would impair the -- would be a  
20     substantial detriment or have a negative  
21     criteria on the application.

22                  JACK PLACKTER: And that  
23     condition's acceptable to you?

24                  MEMBER FROM THE AUDIENCE (ANTHONY  
25     CATANUSO): Yeah. Like I said, I think we'll be

1 fighting for the five percent --

2 CHRISTINE COFONE: Yeah.

3 MEMBER FROM THE AUDIENCE (ANTHONY  
4 CATANUSO): -- from Hard Rock to keep Steel Pier  
5 on there. So...

6 CHRISTINE COFONE: Fair enough.

7 MEMBER FROM THE AUDIENCE (ANTHONY  
8 CATANUSO): Yeah. We're -- we're okay with  
9 that.

10 CHRISTINE COFONE: Thank you.

11 LANCE LANDGRAF: We don't need any  
12 Wildwood amusement rides on there.

13 CHRISTINE COFONE: Right.

14 MEMBER FROM THE AUDIENCE (ANTHONY  
15 CATANUSO): I don't think you'll see me  
16 advertising Wildwood. So...

17 CHRISTINE COFONE: We don't want to  
18 see anybody ever --

19 LANCE LANDGRAF: I just wanted to  
20 make sure.

21 MEMBER FROM THE AUDIENCE (ANTHONY  
22 CATANUSO): Yeah.

23 LANCE LANDGRAF: So, thank you.

24 CHRISTINE COFONE: Thank you.

25 MEMBER FROM THE AUDIENCE (ANTHONY



1 CATANUSO): All right.

2 JACK PLACKTER: Thanks. Next time.

3 LANCE LANDGRAF: Are we good?

4 CHRISTINE COFONE: Mmm-hmm. Yep.

5 That's it.

6 LANCE LANDGRAF: All right. Thank  
7 you.

8 With that, I'll open the meeting up  
9 to the public. If anybody here in the public  
10 wanted to speak, please step forward, state your  
11 name.

12 Seeing no one jumping to their  
13 feet, we'll close the public portion and bring  
14 it back to the board.

15 Scott, do you have anything?

16 SCOTT COLLINS: I just wanted a  
17 housekeeping -- jump back and mark the  
18 application materials A1.

19 JACK PLACKTER: Sure.

20 SCOTT COLLINS: And the exhibit  
21 that's been referred to --

22 JACK PLACKTER: That was part of  
23 the application package, but we can mark it if  
24 you'd like.

25 SCOTT COLLINS: If it's part of the

1 application package, then we'll just leave that  
2 as that.

3 And then the June 4th, 2018 ARH  
4 letter will be B1.

5 LANCE LANDGRAF: Okay. Anything  
6 else, Christine? Nothing?

7 CHRISTINE COFONE: Not at this  
8 point.

9 LANCE LANDGRAF: Bill, you didn't  
10 want to do anything on this?

11 WILLIAM ENGLAND: Just one comment,  
12 which was incorporated in the letter. So...

13 CHRISTINE COFONE: Yeah.

14 LANCE LANDGRAF: Okay. Good.

15 Rob, are we good?

16 ROBERT REID: Yeah. I just wanted  
17 to say that, historically, the Steel Pier  
18 building had substantially more signage on it  
19 than it has today.

20 JACK PLACKTER: That is true.

21 ROBERT REID: Okay. Thanks.

22 LANCE LANDGRAF: If there's no  
23 other testimony, we'll close the --

24 Well, one -- one thing. I am going  
25 to try and get this on our June meeting. I

1 don't know that that's possible.

2 JACK PLACKTER: Okay.

3 CHRISTINE COFONE: Scott will go  
4 write the report this weekend. It will be fine.  
5 Scott will do it.

6 LANCE LANDGRAF: Our meeting's the  
7 19th.

8 SCOTT COLLINS: That may be  
9 possible.

10 LANCE LANDGRAF: So, we will try.  
11 Because I know you guys are trying to get all  
12 this done for the 28th. So...

13 I've got some hurdles to get  
14 through to get that on that agenda, but I will  
15 do my best.

16 JACK PLACKTER: We appreciate the  
17 cooperation.

18 LANCE LANDGRAF: So, with that,  
19 I'll close the testimony on this matter.

20

21 (This public hearing concluded at  
22 10:29 A.M.)

23

24

25

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A handwritten signature in black ink, appearing to read 'Karen A. Haworth', is written over a horizontal line.

KAREN A. HAWORTH, CCR,RPR,CM,CRR,CLR  
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