

CASINO REINVESTMENT DEVELOPMENT AUTHORITY
LAND USE REGULATION AND ENFORCEMENT DIVISION
PUBLIC HEARING

RE: CORY PARKING, LLC
2016-06-1946

Thursday - June 30, 2016

CASINO REINVESTMENT DEVELOPMENT
AUTHORITY PUBLIC HEARING, taken in the offices
of CASINO REINVESTMENT DEVELOPMENT AUTHORITY, 15
South Pennsylvania Avenue, Atlantic City, New
Jersey, before Karen Winkler, a Certified Court
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1 above date, commencing at 10:11 A.M., there
2 being present:

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6
7
8 APPEARANCES:

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10
11 LANCE B. LANDGRAF, JR.,
 Hearing Officer

12
13
14
15 RYKER, DANZIG, SCHERER, HYLAND
 & PERRETTI, LLP

16 BY: SCOTT G. COLLINS, ESQUIRE
 Attorney for CRDA

17
18
19
20 ROBERT REID,
 Land Use Regulation and
21 Enforcement Officer
22
23
24
25

1 APPEARANCES - CONTINUED:

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3
4
5 JUSTIN AUCIELLO, PP, AICP
COFONE CONSULTING GROUP, LLC

6
7
8
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10
11
12 CALLAGHAN, THOMPSON & THOMPSON,
P.C.

13 BY: BRIAN J. CALLAGHAN, ESQUIRE
Attorney for Applicant

1 LANCE LANDGRAF: So, we are going
2 to jump the agenda a little bit. Going to do
3 the application for 2016-06-1946, 18 South
4 Martin Luther King Boulevard. It's block 156,
5 lots 17, 18, 19, 20, 21, 22 and 23.

6 Rob, we have proper notice on this
7 application?

8 ROBERT REID: Yes, we do.

9 BRIAN CALLAGHAN: Good morning,
10 once again. Brian Callaghan, of Callaghan,
11 Thompson & Thompson, on behalf of 18 South
12 Martin Luther King Boulevard.

13 Originally, we were going to
14 withdraw this case, as the report -- the test
15 year was indicated as 1979, and the report
16 showed that certain lots, lots 17, 18, 19, and
17 20, became paved parking lots in 1982.

18 Lot 21, in the front, and the front
19 portion of lot 22 were paved parking lots in
20 1957. And then lot 23 was a paved parking lot
21 again in 1982. So, it was a mixed batch, where
22 you could not fully prove the existing
23 configuration as a full parking lot prior to
24 1979.

25 And in looking at the lots and

1 blocks that would be approvable as a parking
2 lot, since they existed prior to 1979, it would
3 be too much of an enforcement problem to
4 maintain a parking lot in that configuration.

5 Even though enforcement's not a
6 land use issue, it just -- the lots didn't lay
7 out correctly for a full use.

8 That's where my dream came in. In
9 looking at the various Atlantic City maps, it
10 appears that this property previously was in a
11 CBD zone, which permitted stand-alone parking
12 lots, and those CBD districts were in existence
13 up through 1995. So, that's the test year.

14 And we believe it was also further
15 than 1995 before it got changed from CBD to
16 RS-C. But, at least as of 1995, it was CBD,
17 which permitted it.

18 And, therefore, under that tax map
19 of the City of Atlantic City, all of these lots,
20 based on the report, existed prior to 1995. All
21 the reports show that they were all paved
22 parking lots as of 1982.

23 And there's a 10-year mercantile
24 history, the last 10 years, where mercantile
25 licenses have been issued to show a continuing

1 operation of the parking facilities.

2 With that, I'll turn it over to
3 Mr. Barnhart, and he can walk you through a
4 little bit of the tax map.

5 I'll mark it as A-1 and show you
6 the 1985 tax map and his drawing.

7 Mr. Barnhart?

8

9 (JON BARNHART, previously sworn.)

10

11 JON BARNHART: Sure.

12 As Mr. Callaghan identified, this
13 is a parking lot that's located on Dr. Martin
14 Luther King Boulevard.

15 This lot has a frontage of
16 approximately 222 feet. It's comprised of a
17 number of different lots, as you can see in Miss
18 Cafone's report. The site itself has 85 parking
19 spaces.

20 With this site as well, Mr.
21 Nagelberg is proposing to upgrade the lot with
22 new landscaping and things that are necessary to
23 continue to allow the lot to function as a
24 parking lot.

25 Mr. Callaghan and I were -- I

1 wasn't part of his dream, thankfully, but Mr.
2 Callaghan and I were talking this morning,
3 and -- about the zoning changes, and,
4 fortunately, I used to think I was young, but
5 now I'm starting to remember these things that
6 happened way back when.

7 The RS-C zone always existed, for
8 many, many years from '79 forward. Pacific
9 Avenue was the dividing line, and it went from
10 Pacific to the oceanfront.

11 For many, many years, that was the
12 district and that was where casinos were. And
13 casinos started trying to move out.

14 So, I was, unfortunately, not able
15 to figure out the exact date, but what I was
16 able to locate is a zoning map, which is the
17 exhibit that Mr. Callaghan has here, that has a
18 date from the City of Atlantic City of 1995.

19 I think, Mr. Reid, I'll actually --
20 you have some other maps. And maybe, just to
21 come to an agreement on the appropriate date for
22 the zone change -- because that becomes the
23 critical date or the test year in this
24 application.

25 ROBERT REID: Okay. Well, I'm

1 looking at a 1993 zoning map that I have, and it
2 shows -- if you give me a moment to identify it
3 on this map. It's small print.

4 It appears that, on the 1993 map,
5 the subject property is in the RS-C zone. '93
6 map.

7 JON BARNHART: Can we look at that?

8 ROBERT REID: Sure.

9 JUSTIN AUCIELLO: Can I see a copy
10 of your map?

11 JON BARNHART: Absolutely.

12 ROBERT REID: We agree this is
13 Martin Luther King Boulevard. Right?

14 JON BARNHART: I'm looking upside
15 down.

16 LANCE LANDGRAF: We need to mark
17 this, too.

18 SCOTT COLLINS: B-1.

19 ROBERT REID: I'll label it as
20 such.

21 JUSTIN AUCIELLO: And the date of
22 this map is --

23 JON BARNHART: You need a
24 magnifying glass, but it was actually 9/11/9 of
25 '95. Let's see here.

1 ROBERT REID: That's Martin Luther
2 King Boulevard. And RS-C stops at Martin Luther
3 King Boulevard.

4 JON BARNHART: This is MLK
5 Boulevard. I agree with that. That's MLK
6 Boulevard right there.

7 ROBERT REID: Right. And so is
8 this. See? The property is an RS-C. This is
9 Atlantic Avenue. This is Martin Luther King,
10 and that's your property right there, in orange.

11 JON BARNHART: Well, these two maps
12 disagree with each other, then.

13 ROBERT REID: I don't know if I can
14 really read that date.

15 JON BARNHART: You can read it with
16 a magnifying glass.

17 BRIAN CALLAGHAN: 9/11/95. We blew
18 it up this morning.

19 ROBERT REID: Now, the other piece
20 of evidence that you'd like to offer includes
21 Schedule III. Is that what you --

22 LANCE LANDGRAF: I'm looking at
23 A-1, presented by the applicant. It's a '95
24 zoning map. I'm trying to get --

25 SCOTT COLLINS: While you guys are

1 looking, I'd just like to note a couple things
2 for the record. We're making kind of a mess of
3 the record.

4 First of all, Mr. Barnhart was
5 previously sworn and qualified as an expert
6 moments ago. So, we'll acknowledge, for the
7 record, that he continues to be under oath and
8 to be recognized for his credentials.

9 LANCE LANDGRAF: Yes.

10 SCOTT COLLINS: The other thing,
11 I'd like to mark the application materials A-2.
12 And that would make the 1995 map A-1.

13 LANCE LANDGRAF: Right.

14 SCOTT COLLINS: And the 1993 A.C.
15 zoning map will be B-1.

16 JON BARNHART: Here's the '84 map.
17 Where is MLK on this one?

18 Okay. What you're suggesting is
19 that sometime between '84 and what was --

20 ROBERT REID: '84 and '93.

21 JON BARNHART: They slid the RS-C
22 over?

23 ROBERT REID: Yes.

24 JON BARNHART: From our standpoint,
25 this map would prove that, as of '82, we were

1 still in the CBD. So, we would still be okay
2 based on your map. Correct?

3 LANCE LANDGRAF: What we're looking
4 at here is a 1984 zoning map. So, we'll mark
5 that B-2.

6 SCOTT COLLINS: Yep.

7 JON BARNHART: So, this is the '84
8 map. This shows us in the CBD.

9 LANCE LANDGRAF: Because this is
10 MLK. Let me look at it closer.

11 JON BARNHART: I guess the only
12 discrepancy is when, exactly, that line was slid
13 over to take those few more blocks into the RS
14 zone.

15 ROBERT REID: And what I'd like to
16 do, if I may, Lance, Schedule III, schedule of
17 permitted and conditional uses, that was
18 discussed earlier, includes a list of ordinance
19 amendments that run from 1981 up until 2009, and
20 it shows that freestanding parking facilities
21 are permitted in the CBD.

22 The only concern is that we
23 don't -- since we don't have copies of these
24 ordinances to review, we don't know what date
25 that the change took place.

1 LANCE LANDGRAF: Mr. Callaghan, do
2 you have a copy of the '84 -- this map here,
3 B-2? Do you have the zoning that was in place
4 at this point in time?

5 BRIAN CALLAGHAN: I do not. My
6 book that I have is a 2006 book, showing
7 permitted -- that it's still permitted in 2006
8 as a stand-alone parking lot, which would lead
9 me to believe that the amendments that were from
10 '81 through at least 2006 did not change that
11 determination.

12 LANCE LANDGRAF: Right.

13 BRIAN CALLAGHAN: So that, as of
14 2006, CBD still permitted it. Which would then,
15 once again, predate me, because all of the
16 amendments -- at least the '84 map -- shows it
17 as a CBD district.

18 LANCE LANDGRAF: It does. And I
19 would agree with that, it does.

20 The question we have -- and maybe
21 the question goes to our attorney.

22 Can we -- outside this hearing, can
23 we get that documentation from the city or
24 from --

25 I don't know if the city would have

1 it. 1984 --

2 What's the date shown there?

3 ROBERT REID: Well, the dates here
4 run from '81 to 2009 that changes took place on
5 this document. But, we don't know what took
6 place.

7 LANCE LANDGRAF: Right.

8 So, we would need to see what
9 zoning was in place in 1984.

10 SCOTT COLLINS: Yeah.

11 ROBERT REID: Well, actually, what
12 was in place in 1982 when they became parking
13 lots.

14 LANCE LANDGRAF: Right.

15 JON BARNHART: Rob, question for
16 you. On this map, the origin of this map,
17 you're saying this is a '93 zoning map?

18 ROBERT REID: Right.

19 JON BARNHART: As I recall -- and
20 this is going from memory, because I don't have
21 any document to prove or disprove it -- I think
22 this is a much later map than '93. The reason
23 I'm saying that is because that property, I did
24 some work on it.

25 BRIAN CALLAGHAN: So did I.

1 JON BARNHART: I don't think it was
2 casino zoned RS-C until at least 2004 or '5.

3 BRIAN CALLAGHAN: Probably a little
4 later than that. I say that because --

5 JON BARNHART: It was either
6 highway commercial or something else. I can't
7 tell you what it was.

8 BRIAN CALLAGHAN: That was the Joe
9 Shamy place that Shamy and Frankel were going to
10 sell to Penn Gaming.

11 JON BARNHART: It was HWC.

12 BRIAN CALLAGHAN: I went to the
13 city to have it changed to commercial so that
14 Penn Gaming could put a casino there. They were
15 buying it for 95 million dollars.

16 ROBERT REID: We need to get
17 confirmation on the dates of these maps.

18 JON BARNHART: I'm fairly confident
19 this is much later than that.

20 BRIAN CALLAGHAN: That's when they
21 offered the city 750 million dollars to buy
22 Bader Field, which the city turned down.

23 ROBERT REID: Okay. But, the point
24 goes back to what was the actual zoning in 1982,
25 whether this property became a service parking

1 lot.

2 And that's a question mark, because
3 Schedule III has numerous amendments that run
4 from '81 to 2009. And I'm referring to the
5 Schedule III that's dated September 1st, 2011,
6 in our files. That's what we're using as
7 current.

8 BRIAN CALLAGHAN: And your
9 September 1st, 2011 still shows it as a
10 stand-alone parking lot as a permitted use in
11 the CBD?

12 ROBERT REID: That's correct.

13 BRIAN CALLAGHAN: And my 2006 book
14 still shows it as a permitted use.

15 ROBERT REID: Right.

16 BRIAN CALLAGHAN: Therefore, I
17 mean, the amendments that you're laying out,
18 '81, '82, '88, did not change the fact that a
19 stand-alone parking lot was not a permitted use
20 or it would not show up in my book in 2006 and
21 it would not show up in your book in 2011.

22 ROBERT REID: We still do not know
23 what the zoning was in 1982, when it became a
24 parking lot.

25 SCOTT COLLINS: Yeah. Let's get

1 back to the point here.

2 Was it lawfully existing when and
3 in what zone? I mean, that's what we need to
4 know.

5 BRIAN CALLAGHAN: The 1984 zoning
6 map shows it in a CBD zone.

7 SCOTT COLLINS: Which permitted --

8 BRIAN CALLAGHAN: Which permitted
9 stand-alone parking lots.

10 And our 1995 map that we're
11 submitting shows it in a CBD district.

12 ROBERT REID: I guess I have to say
13 this. Yes, I agree that this property was in
14 the CBD zone in 1984.

15 The question is, what zone was it
16 in 1982 and what date did this Schedule III --
17 what date was that revised to allow freestanding
18 parking? Because we have numerous amendments
19 from '81 to 2009.

20 LANCE LANDGRAF: I think the
21 question is, in 1984, did the Central Business
22 District zone permit stand-alone parking?

23 ROBERT REID: We don't know.

24 LANCE LANDGRAF: Right.

25 We need to find that out. We don't

1 have that information.

2 BRIAN CALLAGHAN: Okay.

3 ROBERT REID: Because this is not
4 conclusive because of the numerous dates across
5 it.

6 LANCE LANDGRAF: Does the city keep
7 track of their old zoning ordinances?

8 BRIAN CALLAGHAN: I can ask Regina
9 Armstrong as to whether it does. The issue is
10 preponderance of the evidence.

11 So, right now, I mean, technically,
12 we have an '84 map that says it's in the CB
13 district, you have a '94 map that says it's in a
14 CB district, you have your zoning schedule, as
15 of 2011, saying it's permitted in a CB district,
16 you have your book of 2006, still saying it's
17 permitted. And all of the amendments that you
18 have preceding that, if it would have been
19 changed by the amendment, wouldn't let you put a
20 permitted use in the booklet in 2006, after
21 amendment of '82, '81 if they were changing that
22 particular portion of the ordinance.

23 LANCE LANDGRAF: And you have
24 mercantile licenses from those time periods?

25 BRIAN CALLAGHAN: Well, we have

1 mercantile licenses, current, from Mr. Boland,
2 when he was operating it for the last seven,
3 eight years. So, they were continuing to give
4 him mercantile licenses to operate that as a
5 valid parking lot.

6 SCOTT COLLINS: Has this been
7 continually used as a parking lot since 1982?

8 BRIAN CALLAGHAN: Right up till
9 Memorial Day of this year, when it was stopped.

10 SCOTT COLLINS: Since 1982?

11 BRIAN CALLAGHAN: Right.

12 SCOTT COLLINS: Okay. Just to be
13 clear, when we talk about this, we're talking
14 about all these lots. Right?

15 LANCE LANDGRAF: Yeah.

16 BRIAN CALLAGHAN: Yes.

17 SCOTT COLLINS: So, everything
18 we're talking about here contains each of those
19 lots?

20 ROBERT REID: Yes.

21 BRIAN CALLAGHAN: Part of the
22 project predates the '79, goes back to 1957.
23 So -- as I indicated in my opening statement.

24 LANCE LANDGRAF: 21 and 22?

25 BRIAN CALLAGHAN: That's correct.

1 It was just a matter of how to use those lots so
2 that we didn't get into an enforcement problem
3 of, okay, you're allowed to park on this lot,
4 but you're not allowed to park on that lot.

5 ROBERT REID: Yeah. That's a
6 difficult thing.

7 BRIAN CALLAGHAN: Right.

8 And there's arguments of -- as to
9 whether or not we could have done that or not
10 done that. Because enforcement's not a land use
11 issue. It's a governmental issue.

12 We thought, once we came up with
13 the '84 map that Rob has, the '95 map and the
14 schedule saying it's permitted in the CBD, that
15 gives you the ammunition to put it over the top.

16 LANCE LANDGRAF: Mr. Callaghan, how
17 far back do you have mercantile licenses for the
18 parcel, for this group of lots? I know they're
19 in here.

20 BRIAN CALLAGHAN: On this
21 particular project --

22 LANCE LANDGRAF: What's the first
23 year you have a mercantile license for?

24 BRIAN CALLAGHAN: B&B Parking.
25 2007.

1 LANCE LANDGRAF: Do you have one
2 from '07, Mr. Callaghan?

3 BRIAN CALLAGHAN: I do. I have a
4 stack of them from '07 through '15. And we can
5 mark that as A-2.

6 LANCE LANDGRAF: Okay. What I was
7 hoping to say was, you had something prior to
8 that, from the '80s, to show. That would have
9 made things a little bit easier.

10 BRIAN CALLAGHAN: Yes, it would
11 have.

12 LANCE LANDGRAF: So, these are the
13 mercantile licenses from '07 through current,
14 just last year?

15 BRIAN CALLAGHAN: Well, right
16 through, I guess, July 1st of this year --
17 July 31st.

18 LANCE LANDGRAF: This is August,
19 '06.

20 BRIAN CALLAGHAN: Okay. August,
21 '06, and then it goes on.

22 LANCE LANDGRAF: Through July of
23 2016.

24 BRIAN CALLAGHAN: Right.
25 Technically, the mercantile license

1 is still in effect right now.

2 LANCE LANDGRAF: Right. Right.

3 You wanted to mark those?

4 BRIAN CALLAGHAN: A-2.

5 SCOTT COLLINS: 3.

6 BRIAN CALLAGHAN: A-3.

7 LANCE LANDGRAF: These are mercs
8 from '06 to '16.

9 It would have been easier if we had
10 ones prior to that, but I don't know if they
11 even had mercantile licenses back then.

12 BRIAN CALLAGHAN: I've had some
13 cases, mostly on video slot machines that
14 operate on the Boardwalk, and some
15 delicatessens, so --

16 LANCE LANDGRAF: Not parking
17 facilities.

18 BRIAN CALLAGHAN: Not parking
19 facilities.

20 People who had delicatessens
21 usually had mercantiles. Restaurants had
22 mercantiles.

23 LANCE LANDGRAF: So, I guess my
24 question goes, again, to Scott, our solicitor.
25 With the information we have obtained today, can

1 we reach out to the city, during my hearing
2 officer report preparation, and add to that
3 record?

4 SCOTT COLLINS: No.

5 This is a public hearing. It's
6 publicly noticed. If you can make a decision
7 based on the information presented here today
8 and in the record -- I'm sorry.

9 If you can't make a decision, then
10 we have to continue the hearing.

11 LANCE LANDGRAF: Okay. Well, I
12 don't want to shut that down. I want to look at
13 what was presented today, maybe fine-tune some
14 of the information that was presented today.
15 And we can still use that documentation and
16 present our hearing officer report that we
17 received today?

18 SCOTT COLLINS: Yes. Everything
19 you have today.

20 LANCE LANDGRAF: All right. Brian,
21 do you have anything else on this one?

22 BRIAN CALLAGHAN: Nothing else.

23 LANCE LANDGRAF: Okay. Open this
24 up to the public.

25 Rick?

1 MR. SANTORO: My name is Rick
2 Santoro. I'm the director of the Atlantic City
3 Special Improvement District. It's the
4 highlighted yellow area you see in the map above
5 there. The Special Improvement District is a
6 division of CRDA.

7 SCOTT COLLINS: I'm sorry. Are you
8 speaking not as a member of the public, but as a
9 member of the CRDA?

10 RICHARD SANTORO: Both, I guess.

11 LANCE LANDGRAF: I would say as a
12 member of the CRDA.

13

14 (RICHARD M. SANTORO, sworn.)

15

16 RICHARD SANTORO: Our division does
17 a multitude -- performs a multitude of services
18 within the Tourism District. We remove trash --
19 we hand remove trash and use machinery to remove
20 trash off the public right of ways and all the
21 highlighted areas. Trim trees, do landscaping,
22 do construction, we remove graffiti. We fund
23 ambassadors that patrol the Boardwalk and, now,
24 30 Class II police officers, in addition to
25 other services.

1 I'm starting about Memorial Day
2 weekend. And let me preface this.

3 This is all old news. And all have
4 been, maybe, addressed at this point.

5 Starting on Memorial Day weekend,
6 we began to observe conditions on the lots,
7 beach block MLK, that were unattended.
8 Apparently, trespassers and road people were
9 parking on these lots without permission and
10 leaving the trash and the lots in horrific
11 condition. We got complaints from tourists,
12 from board members, from customers, and some
13 neighboring business owners that complained
14 about the conditions on the lots.

15 BRIAN CALLAGHAN: Mr. Santoro, is
16 this on the 18 or on the 147? Is this the big
17 lot, by the beach, or both?

18 RICHARD SANTORO: Both.

19 BRIAN CALLAGHAN: All right.

20 RICHARD SANTORO: So, the first
21 time we encountered the problem, we did clean
22 up. We sent our personnel out to private
23 property and cleaned the lots up and --

24 SCOTT COLLINS: Just for a moment.
25 You're presenting photographs. The same ones

1 that you handed to Mr. Callaghan?

2 RICHARD SANTORO: Yes.

3 SCOTT COLLINS: Did you take these?

4 RICHARD SANTORO: I took the ones
5 that were on the 26th. And one of my men, Angel
6 Torres, took them on the 25th.

7 SCOTT COLLINS: Okay.

8 RICHARD SANTORO: Just generally,
9 we noticed cars parking on those areas that,
10 apparently, didn't have permission. They parked
11 themselves, and the lots were left in bad
12 condition.

13 We did clean the streets. And it
14 was blowing onto streets, you know, from the
15 parking lots.

16 And my only request is that the
17 applicant, if they're going to operate the lots,
18 they clean and maintain the lots as best they
19 can. And if they're not operating, that they
20 chain them off.

21 This prior Sunday, I interacted --
22 I was on the larger lot, on MLK, for about an
23 hour and a half. People were texting each other
24 and calling each other and talking that there's
25 free parking in Atlantic City.

1 MLK, the street, completely filled
2 up with cars. And the entrance to the larger
3 lot was actually gridlocked.

4 We contacted the Police Department.
5 There was an incident with some people getting
6 rowdy there, and it almost came to fisticuffs.

7 And my only concern is that it does
8 affect the public right of ways that maintain --
9 that we maintain if, in fact, the applicant is
10 not on top of it.

11 Apparently, these things have been
12 corrected. We found out that there was a
13 meeting with Dale Finch. And the applicant
14 agreed and got the lots cleaned up.

15 But, my only purpose of being here
16 is just to, please, encourage and compel the
17 applicant to keep up with the lots and then make
18 them compliant in terms of what the city code is
19 for maintenance.

20 As soon as we step on -- if we step
21 onto your private property, just once or twice,
22 everybody else wants us to come on their private
23 property, and we really shouldn't be doing it.

24 Anything we can do to help the
25 applicant, within our jurisdiction, we,

1 actually, will do.

2 And I'm not here to oppose or stop
3 anything. We just need your help and assurance
4 that you'll do your part. And we'll, surely, do
5 ours.

6 The one issue I can tell you is,
7 once the people found out that your lot is free,
8 that the lot's free, now it's going to be a real
9 snowball effect.

10 LANCE LANDGRAF: For the record,
11 the lot will not be free parking. Correct?

12 BRIAN CALLAGHAN: Correct.

13 We pay a million dollars a year in
14 taxes. These lots will help offset that.

15 LANCE LANDGRAF: Apparently, there
16 was a gap between operation management companies
17 or whatever and it was unmanned.

18 BRIAN CALLAGHAN: It's been
19 unmanned since Memorial Day.

20 We were there on Monday to clean it
21 up again. However, we got a ticket Monday
22 morning, before we even got there.

23 We had a meeting with Dale Finch on
24 Thursday. So, we've indicated to him that we
25 would be putting in chain-link fences when we're

1 not there. We're putting up --

2 Unauthorized vehicles will be
3 towed. And then we've contracted a towing
4 operator. It's not something --

5 If we're not operating it and
6 there's 200 cars there, well, I indicated to
7 Dale, we're going to go ahead and tow 200 people
8 out of there.

9 It may be an eyesore to the City of
10 Atlantic City, but we'll do our job to make sure
11 it's clean, properly signed, properly
12 maintained. And, needless to say, if we operate
13 it, it will be properly signed and maintained.
14 But, we will be doing those things.

15 LANCE LANDGRAF: Mr. Santoro, thank
16 you for the input.

17 And, certainly, we want it to be
18 operated as a viable business in the city.
19 That's something we encourage. But, it has to
20 be operated properly and maintained properly.

21 BRIAN CALLAGHAN: Mr. Santoro, the
22 pictures that are dated 6/25, they really are
23 the next case coming up, the 147?

24 RICHARD SANTORO: Yes. Yes.

25 BRIAN CALLAGHAN: So, they're not

1 the 18 South Martin Luther King.

2 LANCE LANDGRAF: We didn't get
3 those yet.

4 RICHARD SANTORO: Let me just add
5 one thing.

6 We don't go on private property at
7 all, but, occasionally, we do. We will come on
8 your property to remove graffiti, if it comes
9 up. We take it down within 12 hours. If your
10 booth gets tagged or something like that, we'll
11 reach out and say, can you give us permission to
12 remove it. We'll try to remove it so there's no
13 signs of it. And then, sometimes, we paint over
14 it if we can't take it off. We're like
15 vampires. We don't come in unless we're invited
16 in, and it has to be something of a critical
17 need that you absolutely can't handle.

18 BRIAN CALLAGHAN: We appreciate it.

19 Right now, and I say this, we have
20 a pretty good operation. With Cory there and
21 Rocky there, who's been there since 1979, we're
22 in pretty good shape. And we have a full crew
23 of people who will be working with us to
24 maintain it. Because, as you may know or may
25 not know, we own about 20 acres of ground.

1 RICHARD SANTORO: Yeah. I saw it.

2 BRIAN CALLAGHAN: We have probably
3 10 or 15 stores along the Boardwalk. We have
4 the parking garage. We have stores on Pacific
5 Avenue, Kentucky Avenue. We have the lots. So,
6 it's a fairly large site.

7 And, as I said, we're paying in
8 excess of a million dollars a year in taxes.

9 We've had projects --

10 As this Board knows, we're doing
11 the Polercoaster project, which will be 350
12 feet, and two other projects, knock on wood,
13 which are in the works, which will, hopefully,
14 revitalize Atlantic City.

15 We appreciate it. And we do want
16 to work hand in hand with you and make sure we
17 have good lots for CRDA, but good lots for us so
18 we can pay our taxes.

19 RICHARD SANTORO: Absolutely.

20 BRIAN CALLAGHAN: Thank you.

21 LANCE LANDGRAF: Does anybody else
22 from the public have anything to say on this
23 application, the 18 South Martin Luther King
24 Boulevard site?

25 Anything else?

1 JUSTIN AUCIELLO: No.

2 I think, as had been said
3 previously, there are some gaps in information
4 that we need to figure out.

5 My recommendation, you know, would
6 be to get that information that we need to make
7 the determination whether these lots were
8 previously -- you know, predated the test date.
9 And then, from there, we can determine if they
10 do meet the proof.

11 But, I do think that there are some
12 critical gaps, and I think that's something that
13 -- the additional information that the Board
14 would need to make that determination.

15 LANCE LANDGRAF: Okay. So, maybe
16 our best bet is to table this one until we can
17 see if we can get that zoning ordinance. If we
18 can't, we can't, and we have to make a decision
19 on what we have. But, I would like to make that
20 extra effort.

21 And we have a meeting next
22 Thursday. Right?

23 ROBERT REID: Yes.

24 LANCE LANDGRAF: So, if we did
25 table this, they wouldn't have to notice it

1 again. And if we can take this week to look at
2 it, try and find that 1984 --

3 ROBERT REID: What I'm hoping is,
4 the two modifications in '81 talk about surface
5 parking lots.

6 BRIAN CALLAGHAN: Well, or don't
7 talk about them.

8 LANCE LANDGRAF: Yeah.

9 BRIAN CALLAGHAN: If the '81s don't
10 mention it and the '84 map is in existence as a
11 CBD, then I'm good to go.

12 ROBERT REID: Well, what I'm
13 looking at here is, 1982 was the date they
14 started operating as a surface parking lot.
15 What I have to check, by looking at the '81, the
16 '83, the '88, which one of those modifications
17 talk about surface parking lots.

18 LANCE LANDGRAF: If any.

19 BRIAN CALLAGHAN: If any. They
20 don't have to.

21 ROBERT REID: But, I have to look
22 at that by process of elimination.

23 LANCE LANDGRAF: I'd like to take
24 that week and table this so we can, at last,
25 look for that information. If it's not there,

1 then I've got to make a recommendation without
2 it. If I can find it, it makes it a lot easier.
3 So, that's what we would try and do.

4 BRIAN CALLAGHAN: Bring it back
5 here on the 7th?

6 LANCE LANDGRAF: Right.

7 BRIAN CALLAGHAN: I'm back here on
8 the 7th anyway.

9 LANCE LANDGRAF: If you can look
10 for it. We'll look on our side.

11 JUSTIN AUCIELLO: So the record is
12 clear and there's no dispute, you know, one way
13 or another.

14 LANCE LANDGRAF: I know that this
15 has been somewhat -- I don't want to say
16 contentious, but concerning the applicant and
17 the property owner.

18 There's a lot of other parking lots
19 that may not operate with the proper approvals
20 that we're asking you guys to get. We will
21 address them as they come before us. There are
22 a lot of nonconformities and noncompliant issues
23 in this city. As they come before us, we
24 address them. As they pop up, we make everybody
25 meet the same standards. That may not have been

1 the case in the past. It is the case now.

2 I know, Mr. Callaghan, you voiced
3 concern about other operators in the city. If
4 that comes to our attention --

5 We're not going to go out and seek
6 them, because there's too many of them. I think
7 Rob gave the example. There's several hundred
8 stores with improper signage. We can't go after
9 every one of them right now. But, we will try
10 -- as they come in for the mercantile and it
11 comes to our attention, we will make them comply
12 and make it clear that they have complied with
13 the ordinance, they are properly permitted and
14 can continue that use.

15 So, that's what we're trying to do
16 here.

17 We understand that it's cumbersome
18 for the applicants, but we are trying to get the
19 slate clean and make sure, in the future, these
20 things are properly approved, and move through
21 the process.

22 BRIAN CALLAGHAN: And that's what
23 we're asking.

24 I talked with my clients. What we
25 would like to see happen, at least from the

1 mercantile office, is, before they continue just
2 to reissue mercantile licenses -- because it
3 just happened to be the same person for the last
4 10 years -- that, starting either this year or
5 next year, that they ask him for a new land use,
6 which will then force them to come here to apply
7 for a new land use. And then either they will
8 show you that they have a certificate of
9 nonconformity -- which I have records from the
10 city, from 1994 through 2010, and there was,
11 really, only two people that came before the
12 city at that point in time. Adamar down to
13 Stenton Avenue and 3921 Atlantic Avenue were the
14 only two people that came in for parking lots
15 between 1994 and 2010.

16 I don't have the last five years,
17 but at least, hopefully, with the City of
18 Atlantic City mercantile office saying just
19 because you had a mercantile for the last eight
20 years, I'm not going to give it to you until you
21 have a new land use, that will bring them to
22 you, and you can find out whether they have a
23 certificate or not.

24 LANCE LANDGRAF: I think that's the
25 procedure we have in place now. I think Dale is

1 aware of that, Mr. Finch, at the city mercantile
2 offices there, code enforcement offices. They
3 have been doing that. And we've been checking
4 those. And if they don't meet the criteria, Rob
5 indicates that to me and we advise the
6 applicants and they come here.

7 So, it is a little bit cumbersome.
8 And it's going to be a little painful getting
9 through that a little bit, and we apologize for
10 that, but we need to try and make sure that
11 proper approvals are obtained through that
12 process.

13 So, I would ask that we table this.
14 You don't have to notice again.
15 And we'll bring this one back and try and find
16 that information.

17 Do you agree with that procedure?

18 SCOTT COLLINS: Yeah.

19 Just to note for the record,
20 because it's been publicly noticed, it needs to
21 be carried. So, we are on for July 7th, without
22 need for further notice.

23 LANCE LANDGRAF: With that, we'll
24 move to testimony on this matter and move back
25 to item two on this agenda.

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(The hearing was concluded at 10:46
A.M.)

<p>A</p> <p>able 7:14,16 about 7:3 18:13,14,18 24:1,14 25:22 29:25 32:4,7,17 34:3 above 2:1 23:4 absolutely 8:11 29:17 30:19 acknowledge 10:6 acres 29:25 across 17:4 actual 14:24 actually 7:19 8:24 13:11 26:3 27:1 Adamar 35:12 add 22:2 29:4 addition 23:24 additional 31:13 address 33:21,24 addressed 24:4 advise 36:5 affect 26:8 after 17:20 34:8 again 4:10,21 12:15 21:24 27:21 32:1 36:14 agenda 4:2 36:25 ago 10:6 agree 8:12 9:5 12:19 16:13 36:17 agreed 26:14 agreement 7:21 ahead 28:7 AICP 3:5 allow 6:23 16:17 allowed 19:3,4 almost 26:6 along 30:3 always 7:7 ambassadors 23:23 amendment 17:19,21 amendments 11:19 12:9,16 15:3,17 16:18 17:17 ammunition 19:15 Angel 25:5 another 33:13 anybody 30:21 anything 22:21 26:24 27:3 30:22,25 anyway 33:8 apologize 36:9 apparently 24:8 25:10 26:11 27:15 APPEARANCES 2:8 3:1 appears 5:10 8:4 applicant 3:13 9:23 25:17 26:9,13,17,25 33:16 applicants 34:18 36:6 application 4:3,7 7:24 10:11 30:23 apply 35:6</p>	<p>appreciate 29:18 30:15 appropriate 7:21 approvable 5:1 approvals 33:19 36:11 approved 34:20 approximately 6:16 area 23:4 areas 23:21 25:9 arguments 19:8 Armstrong 17:9 asking 33:20 34:23 assurance 27:3 Atlantic 1:17 5:9,19 7:18 9:9 23:2 25:25 28:10 30:14 35:13,18 attention 34:4,11 attorney 2:16 3:13 12:21 AUCIELLO 3:5 8:9,21 31:1 33:11 August 20:18,20 AUTHORITY 1:1,15,16 Avenue 1:17 7:9 9:9 30:5,5 35:13,13 aware 36:1 A-1 6:5 9:23 10:12 A-2 10:11 20:5 21:4 A-3 21:6 A.C 10:14 A.M 2:1 37:3</p> <p>B</p> <p>B 2:11 back 7:6 14:24 16:1 18:22 19:17 21:11 33:4,7 36:15,24 bad 25:11 Bader 14:22 Barnhart 6:3,7,9,11 8:7,11,14 8:23 9:4,11,15 10:4,16,21 10:24 11:7,11 13:15,19 14:1 14:5,11,18 based 5:20 11:2 22:7 batch 4:21 beach 24:7,17 became 4:17 13:12 14:25 15:23 becomes 7:22 before 1:18 5:15 27:22 33:21 33:23 35:1,11 began 24:6 behalf 4:11 being 2:2 26:15 believe 5:14 12:9 best 25:18 31:16 bet 31:16 between 10:19 27:16 35:15 big 24:16 bit 4:2 6:4 20:9 36:7,9 blew 9:17</p>	<p>block 4:4 24:7 blocks 5:1 11:13 blowing 25:14 board 24:12 30:10 31:13 Boardwalk 21:14 23:23 30:3 Boland 18:1 book 12:6,6 15:13,20,21 17:16 booklet 17:20 booth 29:10 both 23:10 24:17,18 Boulevard 4:4,12 6:14 8:13 9:2,3,5,6 30:24 Brian 3:13 4:9,10 9:17 12:5 12:13 13:25 14:3,8,12,20 15:8,13,16 16:5,8 17:2,8,25 18:8,11,16,21,25 19:7,20,24 20:3,10,15,20,24 21:4,6,12 21:18 22:20,22 24:15,19 27:12,18 28:21,25 29:18 30:2,20 32:6,9,19 33:4,7 34:22 bring 33:4 35:21 36:15 business 16:21 24:13 28:18 buy 14:21 buying 14:15 B&B 19:24 B-1 8:18 10:15 B-2 11:5 12:3</p> <p>C</p> <p>Cafone's 6:18 Callaghan 3:12,13 4:9,10,10 6:12,25 7:2,17 9:17 12:1,5 12:13 13:25 14:3,8,12,20 15:8,13,16 16:5,8 17:2,8,25 18:8,11,16,21,25 19:7,16,20 19:24 20:2,3,10,15,20,24 21:4,6,12,18 22:22 24:15,19 25:1 27:12,18 28:21,25 29:18 30:2,20 32:6,9,19 33:4,7 34:2,22 calling 25:24 came 5:8 19:12 26:6 35:11,14 carried 36:21 cars 25:9 26:2 28:6 case 4:14 28:23 34:1,1 cases 21:13 casino 1:1,14,16 14:2,14 casinos 7:12,13 CB 17:12,14,15 CBD 5:11,12,15,16 11:1,8,21 12:14,17 15:11 16:6,11,14 19:14 32:11 Central 16:21 certain 4:16 certainly 28:17 certificate 35:8,23 Certified 1:18</p>	<p>chain 25:20 chain-link 27:25 change 7:22 11:25 12:10 15:18 changed 5:15 14:13 17:19 changes 7:3 13:4 changing 17:21 check 32:15 checking 36:3 city 1:17 5:9,19,19 7:18,18 12:23,25 14:13,21,22 17:6 22:1 23:2 25:25 26:18 28:9 28:10,18 30:14 33:23 34:3 35:10,12,17,18 36:1 Class 23:24 clean 24:21 25:13,18 27:20 28:11 34:19 cleaned 24:23 26:14 clear 18:13 33:12 34:12 clients 34:24 closer 11:10 code 26:18 36:2 COFONE 3:5 COLLINS 2:16 8:18 9:25 10:10,14 11:6 13:10 15:25 16:7 18:6,10,12,17 21:5 22:4,18 23:7 24:24 25:3,7 36:18 come 7:21 26:22 29:7,15 33:21,23 34:10 35:6 36:6 comes 29:8 34:4,11 coming 28:23 commencing 2:1 commercial 14:6,13 companies 27:16 compel 26:16 complained 24:13 complaints 24:11 completely 26:1 compliant 26:18 complied 34:12 comply 34:11 comprised 6:16 concern 11:22 26:7 34:3 concerning 33:16 concluded 37:2 conclusive 17:4 condition 24:11 25:12 conditional 11:17 conditions 24:6,14 confident 14:18 configuration 4:23 5:4 confirmation 14:17 construction 23:22 CONSULTING 3:5 contacted 26:4 contains 18:18 contentious 33:16</p>
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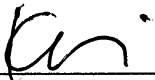
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