

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

SOUTH INLET PARTNERS URBAN RENEWAL, LLC
SEEKING PRELIMINARY AND FINAL SITE PLAN APPROVAL
TO CONSTRUCT A MIXED USE DEVELOPMENT
BLOCK 132, LOT
BLOCK 133, LOT 1
600-700 Atlantic Avenue, Atlantic City, NJ

Thursday - November 6, 2014

Public hearing in the

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

17 APPEARANCES:

18 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

19

20 LANCE LANDGRAF

Chairman

21

22 ROSE ANN LAFFERTY

Land Use Enforcement Officer

23

24

25

1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2 SCOTT G. COLLINS, ESQUIRE

Riker, Danzig, Scherer, Hyland & Perretti

3

4 CHRISTINE COFONE

Cofone Consulting Group

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6 THEODORE WILKINSON

Adams, Rehmann & Heggan

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1 COUNSEL FOR THE APPLICANT:

2

3 JENNIFER PHILLIPS SMITH, ESQUIRE

Gibbons, P.C.

4

5

6

7 PROFESSIONALS TO THE APPLICANT FOR THIS HEARING:

8

9 THOMAS J. SYKES, AIA, PP

SOSH

10

11 JASON T. SCIULLO, P.E.

Marathon

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1 (Time noted: 10:10 a.m.)

2

3 LANCE LANDGRAF: Good morning.

4 The CRDA Land Use Regulation and
5 Enforcement Division hearing for November 6th
6 will come to order.

7 Please rise and salute the flag.

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 The agenda today is just one. It's
15 the South Inlet Partners Urban Renewal, LLC,
16 known as Boraie. It's application number
17 2014-10-1235. 600 to 700 Atlantic Avenue. It's
18 in the urban -- the Uptown Urban Renewal Tract.
19 It's Block 132, Lot 1 and Block 133, also Lot 1.

20 They're seeking preliminary and
21 final site plan approval to construct a mixed
22 use development.

23 Let's see. Our agenda has been
24 properly noticed and posted, correct, Rose?

25 ROSE ANN LAFFERTY: Yes.

1 LANCE LANDGRAF: We've already gone
2 through the items there.

3 The project includes the
4 construction of 251 residential apartment units
5 and roughly 9,000 square feet of retail space,
6 on-site parking and some loading areas. And we
7 believe it's a permitted use in the Uptown Urban
8 Renewal Tract District.

9 Miss Smith, do you want to --

10 JENNIFER SMITH: Yes.

11 ROSE ANN LAFFERTY: Just one note.
12 I would like to note that the Affidavit of
13 Service and Notice of Publication is in order.

14 LANCE LANDGRAF: Thank you.

15 JENNIFER SMITH: Thank you
16 everyone.

17 Good morning. My name is Jennifer
18 Smith. I'm an attorney from Gibbons, P.C., and
19 I'm here today on behalf of the applicant, South
20 Inlet Partners Urban Renewal, LLC.

21 As you mentioned, they are the
22 owner and designated redeveloper of the property
23 located at Block 132, 133, which is between
24 Atlantic and Pacific avenues, with the cross
25 streets being New Jersey, Connecticut and

1 Delaware.

2 And as was just stated, we are
3 proposing 251 apartment units with mixed use
4 retail or other commercial, along Atlantic
5 Avenue, as well as parking both on 132 and also
6 on 13 -- Block 133.

7 The area is in the uptown urban
8 renewal plan, which was recently amended by the
9 city council to specifically permit this use and
10 to allow for other zoning requirements that are
11 compatible with this use.

12 As a result, we're here today
13 seeking preliminary and final site plan approval
14 only. We do not require any variances.

15 We have two witnesses that are
16 going to come up. We have Tom Sykes, who is our
17 architect and also a planner, and we also have
18 Jason Sciullo, our engineer from Marathon.

19 We have with us Chuck Olivo, who is
20 a traffic engineer, who we can bring up if
21 there's any specific questions concerning
22 traffic. But, as this is a permitted use, his
23 testimony is not as critical to the application.

24 And as Ms. Lafferty noticed, we did
25 provide notice in accordance with the Municipal

1 Land Use Law and the local ordinance.

2 So, without anything further, I'd
3 like to bring up Tom Sykes to start our
4 presentation.

5 LANCE LANDGRAF: Thank you.

6 Would you swear Tom in, please?

7

8

9

10 THOMAS SYKES, AIA, PE,
11 having been duly sworn in by Scott
12 Collins, Esquire, was examined and
13 testified as follows:

14

15 DIRECT EXAMINATION

16 BY JENNIFER SMITH:

17 Q. Mr. Sykes, can you give the
18 professionals here, and for the record, a little
19 information about your background, licensing and
20 education?

21 A. Okay. I'm a principal of SOSH
22 architects, with offices in Atlantic City and
23 New York; Manhattan.

24 I graduated "with" an architectural
25 program from Notre Dame University and have been

1 licensed in the state of New Jersey since 1979.

2 And I'm a licensed planner in the state of New
3 Jersey since 1980.

4 Q. And you've appeared here before and
5 offered testimony?

6 A. Yes, I have.

7 LANCE LANDGRAF: We would stipulate
8 to Mr. Sykes' qualifications.

9 JENNIFER SMITH: Thank you.

10 And just to clarify, we're offering
11 him as both an architect and as a licensed
12 planner.

13 LANCE LANDGRAF: We would accept
14 him as both.

15 JENNIFER SMITH: Thank you.

16 BY JENNIFER SMITH:

17 Q. So, Mr. Sykes, can you just begin
18 by giving an overview of the location of the
19 property and its current state?

20 A. Sure, Jenn.

21 Actually, this is a property that
22 has been vacant, now, for over 50 years. It's
23 part of the urban renewal tract. It was part of
24 the housing authority's demolition program.

25 In the '60s --

1 LANCE LANDGRAF: Can you identify
2 what exhibit you're --

3 THE WITNESS: I'm sorry. Yeah.
4 This is an aerial photograph of the -- of the
5 inlet, noting the context of the property within
6 the inlet area of Atlantic City.

7 JENNIFER SMITH: And just for
8 clarification, would you like us to mark each
9 sheet or each slide or would you prefer that we
10 just submit the entire electronic package as a
11 single exhibit?

12 LANCE LANDGRAF: The electronic
13 package has to be submitted, but we would like
14 him to reference the -- since we don't have
15 boards here, just reference each --

16 JENNIFER SMITH: Okay.

17 LANCE LANDGRAF: -- slide, if you
18 will.

19 JENNIFER SMITH: So, A-1 will be
20 the first aerial, then.

21 ROSE ANN LAFFERTY: Right.

22 THE WITNESS: Okay. The site is
23 actually laying dormant for, as I said, over 50
24 years.

25 It's a really critical knuckle, if

1 you will. We have Atlantic Avenue wanting to
2 redevelop and wanting to progress as a
3 commercial and retail district. We have Pacific
4 Avenue, which is really the link to the casino
5 zone. We've got a residential area to the north
6 and to the east. To the east has been
7 challenged, but there is hope that that will be
8 further developed.

9 And the -- the idea of this site is
10 really -- it is a knuckle and it's the meeting
11 point between, as the -- as the CRDA recognized
12 in their Tourism District master plan and as the
13 city recognized in its master plan, a very
14 important nexus of residential, commercial and
15 transportation all hubbing in one zone. And
16 that's what --

17 And it's a very special site in the
18 city. Because we've looked for something that
19 would allow a convergence of a new residential
20 project, the inclusion of -- of retail and a
21 presentation that would allow another way to
22 live in a city and in an area in the city that
23 is really "thriving" for redevelopment.

24 Next, just for orientation, our
25 site -- our site sits between --

1 As I said, this is Delaware on the
2 -- the west side. This is Pacific on our south
3 side. This is Connecticut on our north -- on
4 our east side. And this is Atlantic on our
5 north side. And this is New Jersey that
6 literally bisects the two right now.

7 JENNIFER SMITH: And can we mark
8 this sheet as A-2?

9 ROSE ANN LAFFERTY: And what is it
10 named?

11 THE WITNESS: A-2.
12 I'm sorry.

13 JASON SCIULLO: It's a colored
14 version of the site plan that we submitted.

15 THE WITNESS: Colored site plan.
16 This gives a good idea of sort of
17 the context of the site.

18 The two parcels, Block 132 and 133,
19 are comparable in size, each approaching four
20 acres.

21 This is the location of our
22 residential development and retail and this is a
23 potential retail site with parking to support
24 the residential at this point in time.

25 Okay. This would be A-3. And this

1 would be an aerial perspective of the project.

2 So, this -- this picture is taken
3 from above Pacific Avenue, if you will, looking
4 north. And this would be New Jersey Avenue,
5 here.

6 And this is, basically, the context
7 of the primary part of our application here
8 today. It's 251 residential units in a
9 courtyard design with residential and retail on
10 the lower level and four levels of residential
11 above.

12 You can see it's a context of three
13 buildings. One, two, three. And the third one
14 up on the top. Two of them are angled. Pacific
15 Avenue angles down New Jersey. Atlantic Avenue
16 picks up off New Jersey as well. And along
17 Connecticut is a straight building.

18 They're all residential units above
19 the grade plain. And as we go around the
20 building, now, slowly, we'll see how each of
21 those -- each of those elevations react.

22 Now, this would be the Atlantic
23 Avenue elevation.

24 And this would be A-4.

25 So, along Atlantic Avenue, what we

1 -- what we've really tried to, in a sense,
2 celebrate is the meeting of the two parts of our
3 city. An attempt, as sanctioned by the
4 redevelopment plan, as blessed by the city's
5 master plan and as required by the CRDA's
6 Tourism District plan, a building that allows
7 for retail along Atlantic Avenue, which is this
8 whole frontage along Atlantic, a building that
9 has residential, which is the four stories of
10 residential above, a building that provides for
11 activities and uses to take that Atlantic -- to
12 take the main street concept and extend it east,
13 toward the inlet and to bring the inlet to the
14 middle of the city and the middle of the city to
15 the inlet. So, to grow our city in a way
16 consistent with all of the planning documents
17 and requirements.

18 And as Jenn mentioned, the
19 redevelopment plan was amended in September to
20 recognize this -- this nexus, this meeting on
21 the site.

22 I would want to point out that, on
23 -- on this level, you'll note that the building
24 is -- is much different than the grade elevation
25 of the street. Our average elevations around

1 the building are anywhere six to seven MSL. And
2 you'll notice that our podium level is up at 12.
3 The lowest occupied level is at 12 and we're at
4 about 11.87 at our upper -- at our upper walkway
5 or upper sidewalk.

6 So, we, in a sense, have two public
7 concourses along Atlantic Avenue; one right
8 along the sidewalk, as currently. And -- and
9 that welcomes and that engages ADA ramps, two of
10 them, as well as stairs that bring you up into
11 the -- into the -- into the various places --
12 sorry -- restaurant or retail on our west side,
13 restaurant or retail on our east side, and the
14 center of the building is the elevator core for
15 the -- for this Atlantic Avenue building.
16 Building number 3 we call it. And that will
17 have its own signature signing. Each of these
18 retail areas would be signed.

19 And you can see the terracing of
20 landscaping, because the grade differential is
21 anywhere from five to six feet. So, it's quite
22 a shift. And that is to comply with the FEMA
23 requirements.

24 We all remember Sandy well. We all
25 know the latest FEMA requirements. And we've

1 located our elevations for our occupied space
2 well above the requirements and well within the
3 safety factors, as FEMA and the city and CRDA
4 now recommend.

5 THE WITNESS: Jay, let's go to the
6 second. We'll walk around.

7 So, now we're going to literally
8 walk around the project. This is the
9 Connecticut Avenue elevation. And as you come
10 -- as you turn off Atlantic, you engage a little
11 bit different streetscape. We still have the
12 four stories of residential above, but, on the
13 ground floor, we have what we call a loft. It's
14 an 18-foot high ceiling apartment -- actually,
15 19-foot high ceiling apartment with a loft
16 approximately nine feet above the lower floor.
17 And that's what the large windows are looking
18 out to Connecticut Avenue. That's one unit with
19 an overlook loft to give a strong presence, to
20 give a noble attitude, to give a real idea of
21 the townhouse and strength of a residential
22 project, and then with the units above.

23 Mid-block --

24 My colors aren't picking up well.

25 Mid-block, you -- you have the

1 elevator core, and that's the center core
2 entrance for the -- center core entrance for the
3 patrons and residents of the building. And that
4 distributes people to what we call a
5 double-loaded corridor, which runs parallel to
6 Connecticut from Pacific to Atlantic.

7 This access drive here is really a
8 secondary access. This is not for the use of
9 the patrons of the building. This is a service
10 access that allows direct loading to the rear of
11 the commercial spaces that are located along
12 Atlantic Avenue.

13 For instance, this corner
14 restaurant, about 4,900 square feet, would be
15 loaded from the rear, back this alley. And it
16 has a restricted entry with a gated -- with a
17 gate control.

18 By the way, we do have 24-hour
19 people on site, security people on site, with
20 camera and -- and visibility and vocal access to
21 all the access drives.

22 We've also been in cooperation with
23 Tom Gilbert, of the CRDA, to --

24 ROSE ANN LAFFERTY: Not the CRDA.

25 THE WITNESS: -- coordinate camera

1 locations and conduits for future cameras for
2 consistency with the screening program and the
3 video surveillance programs that the city and
4 CRDA are advocating.

5 JENNIFER SMITH: And just to note,
6 we're going to mark this one A-5, that
7 Connecticut Avenue elevation.

8 THE WITNESS: Excuse me. A-5.

9 ROSE ANN LAFFERTY: Tom Gilbert is
10 the district commander, but he is not with the
11 CRDA.

12 THE WITNESS: Okay. Thank you for
13 that correction.

14 Again you'll notice the platform
15 difference, from the sidewalk to the lowest
16 residential unit, varies from five to six feet,
17 approximately, across the span of our -- of our
18 block.

19 And again, handicap ramps, ADA
20 compliance with the -- with the primary entry.

21 Each of the units has a stair entry
22 to them that's shared. And the ADA compliance
23 to these units is actually the rear entry from
24 the parking lot.

25 Okay.

1 JENNIFER SMITH: This one will be
2 A-6.

3 THE WITNESS: And this will be A-6.
4 And now we're on Pacific Avenue in
5 our sort of tour around the building.

6 Maybe we'll talk a little bit about
7 materials and access here.

8 We saw the mid-block access on
9 Connecticut. We have a mid-block access for the
10 patrons and residents in the middle of the
11 Pacific Avenue facade.

12 The lower floor, again, a masonry
13 product, large windows. This is not retail.
14 This is, again, residential on Pacific. And
15 that's a two-story space with a single loft
16 override, and that's a single unit in each one
17 of these spaces and with a stair access to it
18 and a rear access from behind right off the
19 parking lot.

20 Above that, four floors of
21 residential. And the residential, as we'll see
22 in a few minutes, is divided into one and
23 two-bedroom units. The one-bedroom and
24 two-bedroom units are intermittently spread out
25 around the building so there's no heavy

1 concentration of either in any one location.

2 The landscaping, you can see, is
3 tiered up as it goes. We really wanted to
4 create a softness while we have a -- somewhat of
5 a -- of a dramatic level change from one
6 sidewalk to our upper walk. We have a very soft
7 and engaging landscape plan that tiers that up;
8 street trees along the curb, lower vegetation
9 first step and durable vegetation, and then
10 rising up to the base of the buildings and the
11 base of the buildings with, again, a higher
12 level of vegetation.

13 And you see jitney stops on Pacific
14 Avenue are frontage.

15 And now the New Jersey Avenue
16 elevation. And this would be A --

17 JENNIFER SMITH: 7.

18 THE WITNESS: -- A-7.

19 And along New Jersey Avenue, we
20 have accented the corners of -- of New Jersey
21 and Pacific. And on the other side, we accented
22 the corner of Connecticut and Pacific with a --
23 somewhat more dramatic units. And we've done
24 that along New Jersey Avenue as well.

25 We had pre-meetings with the CRDA

1 planning staff and with their consultant
2 planners and engineers and we, on their -- on
3 their suggestions and recommendations, engaged a
4 lot more glass and fenestration along this
5 facade to try to break up what are, behind here,
6 some areas of storage and some areas of access
7 and entry. And actually, our main vehicular
8 access is off New Jersey Avenue.

9 So, New Jersey is the quietest of
10 the three streets around us. And we chose that
11 as the most appropriate location for vehicular
12 access to our center courtyard, which allows
13 parking for the patrons and -- and unit -- unit
14 occupants.

15 On the Block 133, on this side, is
16 additional parking, as required, but -- or as an
17 if required, but will also be -- this will be a
18 primary commercial development.

19 New Jersey works best, we felt, for
20 that; a little bit more secluded, controlled.

21 And it is a gated entry. Every
22 access point in this project is a gated and
23 controlled entry and security is of the highest
24 -- highest levels.

25 You start to get an idea of the

1 materials again. And maybe we'll spend just a
2 moment on those.

3 The base of the building all the
4 way around is a strong masonry product. As we
5 go into the skin of the building, this is a
6 metal panel with a wood finish and a very long
7 durable test. And it gives a warmth to the
8 building. The glazing is all, of course,
9 thermal -- thermal glazing. It is clear and it
10 allows a transparency to the units and also to
11 the cores of the -- of the building. All of the
12 vertical cores are, in a sense, light shafts and
13 would be lit at night. Again, someone inside
14 those stairwells will be visible.

15 On the corner units, again, we've
16 accented them both on the courtyard side and on
17 the street sides, and we've varied those
18 wood-face panels with metal and with a concrete
19 panel -- a cementitious product and metal
20 products to give a varied skin effect, an
21 interest and a layering of those materials.

22 The structure is actually a
23 wood-frame structure. They are prefabricated
24 trusses, wood studs, wood floor, wood roof deck
25 and joists, and roof sheathing -- and wood

1 sheathing.

2 Okay.

3 THE WITNESS: Jay, let's go back to
4 the next, which is going to be an aerial of our
5 courtyard.

6 And this would be?

7 JENNIFER SMITH: A-8.

8 THE WITNESS: A-8.

9 And this is an aerial of the
10 courtyard. And that -- this is the inside
11 surround of the perimeter we just took a tour
12 of.

13 And inside that surround we have a
14 very nice recreation and activity deck that
15 combines a couple of different uses. One, a
16 pool. Two, some garden areas and planter boxes
17 for the residents to use. Three, direct access
18 to a gym that's part of this project. And it's
19 located along the Atlantic Avenue loft area.
20 It's actually halfway above the ground and the
21 -- and the second floor -- the second floor of
22 the project.

23 We have cabanas and things for the
24 use -- all the private use of the -- of the
25 patrons of the building. And parking is below

1 this deck and surrounding this deck. And a
2 landscape on the deck as well as below the deck.
3 So it's a fully-scaped environment inside the
4 courtyard.

5 Okay. Do you want to take a little
6 -- maybe I'll stay out on -- cover a couple more
7 of my points before we go into --

8 JASON SCIULLO: Sure.

9 THE WITNESS: -- inside.

10 And let's just go back to the
11 Atlantic Avenue -- or the courtyard -- I'm sorry
12 -- that would be perfect.

13 Actually, the aerial would be good,
14 if that's okay. The first slide.

15 JENNIFER SMITH: So, this is A-1.

16 THE WITNESS: I'm sorry. A-2 --

17 JENNIFER SMITH: 2.

18 THE WITNESS: 3.

19 JASON SCIULLO: 3.

20 THE WITNESS: A-3.

21 Okay. We're going to talk a little
22 bit about the standards and things that we've
23 tried to comply with here. And -- and some
24 issues with encroachment and things like that
25 have been discussed in the reports.

1 I want to show you a section that
2 is applicable primarily along Atlantic Avenue,
3 but applies somewhat the same, although a little
4 more generously, along Connecticut and Pacific
5 and along New Jersey Avenue.

6 And the section, basically,
7 describes the access of a patron or a visitor to
8 the building. And this would be the center
9 core, the vertical core, of the -- of the
10 residential units.

11 So, let's go to that exterior.
12 We'll stay on the exterior for a minute. Yeah.

13 And so what we see here, this is
14 Atlantic Avenue, of particular concern. And
15 we're responding to some issues that have been
16 discussed with their consultant -- the
17 consultant planners and the CRDA to allow
18 sufficient walking space along Atlantic Avenue.

19 And what we have is a ten-foot
20 sidewalk. Now, if we were building, as we all
21 did for many years, up until two years ago, at
22 the street levels, we would have approximately a
23 minimum of a 21-foot and, perhaps, a 27-foot
24 setback, depending on the
25 undulations/indulations of our building. What

1 we have is a ten-foot setback and then we have a
2 series of terraces, three, three, five, each
3 with a landscape presentation, to soften the
4 edge to the visitor and to the patron, and a
5 sidewalk above that links retail, restaurants at
6 either corner along Atlantic Avenue and the
7 public space for the patrons of the building
8 within, and a sales office.

9 And we use this slide simply to
10 demonstrate that there are projections in that
11 sidewalk out front. And those projections are
12 as much as four feet. And this is --

13 For instance, this is drawn to show
14 the -- the traffic light signalization box at
15 the corner of New Jersey and Atlantic avenues.
16 But, we will maintain, at all times, a six-foot
17 walkway, clear. And, in addition to that, this
18 11-foot set of tiered landscaping and then
19 another sidewalk that ranges anywhere from
20 five-foot-nine to 20 feet in width as it goes
21 along the ins and outs of our building with a
22 varied facade.

23 JENNIFER SMITH: And we'll just
24 mark this Atlantic Avenue street section as A-9.

25 LANCE LANDGRAF: Excuse me, Tom.

1 Can you point out where the right-of-way is on
2 that?

3 THE WITNESS: The right-of-way --

4 JASON SCIULLO: It's 15 feet off
5 the face of the curb. So, it's about halfway up
6 the second plank.

7 THE WITNESS: Right there.

8 LANCE LANDGRAF: Okay. Thank you.

9 JENNIFER SMITH: So, I think we'd
10 like to turn now to hit a few of the points that
11 were raised in the professional report.

12 BY JENNIFER SMITH:

13 Q. So, Mr. Sykes, did you have a
14 chance to read the ARH report dated October
15 31st?

16 A. I did, yes.

17 JENNIFER SMITH: We're going to go
18 and cover more of these points in our site
19 engineering testimony, but I just wanted to call
20 out a few that required testimony from Mr. Sykes
21 at this point.

22 BY JENNIFER SMITH:

23 Q. As you were talking about the
24 Atlantic Avenue encroachment, that was to
25 address item 2 B. Correct?

1 A. Yes.

2 Q. Okay. And if you could just
3 briefly, then, address item -- it was Roman
4 numeral IV dash 4. It was requested we provide
5 a little bit of testimony concerning the goals
6 and objectives of the redevelopment plan.

7 A. Okay. Good.

8 THE WITNESS: And, Jay, could we go
9 back to the very first slide? Because I think
10 that that says it best.

11 Our existing conditions tells the
12 story best about this project.

13 And that is, Atlantic Avenue really
14 is "thriving" right now to develop a main street
15 character and attitude. And the CRDA is
16 invested heavily in that and the city is doing
17 whatever they can to help encourage a retail
18 market along Atlantic Avenue.

19 You can see how that pretty much
20 hits a wall right after we pass Pennsylvania,
21 Virginia and we get into Maryland Avenue. We
22 have a firehouse, but there's no real activity
23 to engage a pedestrian.

24 The identity of this project is
25 hinged on the ability to become a mate with

1 downtown and downtown link into the inlet. And
2 that cohesiveness is critical to the survival of
3 any retail here and as a complement to the
4 retail along Atlantic Avenue.

5 Now, in addition to that, we want
6 new housing opportunities for people within the
7 city as well as new people who may want to come
8 to the city.

9 We are a challenged city right now.
10 We know it. And we know this little building
11 right here, Revel, is under -- under agreement
12 right now. What happens, no one knows yet.
13 But, the hope is that that will open again
14 shortly. And there is very good reason to think
15 that will happen.

16 And new housing opportunities right
17 proximate to that as well as the view of that
18 new -- as the announcement to that building with
19 new housing opportunities and retail all -- all
20 sort of celebrates this site as what it was
21 really meant to be; a linkage between
22 residential, commercial in all of the plans,
23 especially the redevelopment plan.

24 BY JENNIFER SMITH:

25 Q. So, would it be your opinion, then,

1 that this project meets the goals and objectives
2 of both the redevelopment plan and the Atlantic
3 City master plan?

4 A. Yes.

5 Q. As well as the Tourism District
6 plan?

7 A. Yes. Especially the Tourism
8 District plan.

9 Q. So, just moving on, then, to
10 comment 9, about the urban design standards, --

11 A. Mmm-hmm.

12 Q. -- the way I read the redevelopment
13 plan, as this property is subject to the
14 redevelopment plan, the redevelopment plan
15 incorporates the performance standards, the
16 loading and parking standards and the signage
17 standards from the local ordinance but does not
18 incorporate other provisions.

19 A. Right.

20 Q. Do you read the redevelopment plan
21 the same way?

22 A. Yes, I do, although --

23 THE WITNESS: And, Jay, could we go
24 back to any of the streetscapes? That would be
25 okay.

1 What -- what we're really
2 discussing here is the compliance with the --
3 with the development standards in the city and a
4 redevelopment overlay.

5 And our redevelopment overlay,
6 basically, speaks to the requirements that we're
7 to comply with. And we believe, while we did
8 not go list-by-list of the city standards, we
9 certainly comply with them.

10 For instance -- for instance, the
11 roofscape of our building has -- and you saw, as
12 we went around, a varied roof scheme all the
13 way around. So, we do not have one large flat
14 roof; we have a varied roof. You take that
15 varied roof, which is not greenscaped on the
16 top but is varied with slopes. Only the
17 center section access is for a flat roof for
18 accessing utility equipment up there would be --
19 would be utilized. You combine those slopes
20 with our pool perimeter and landscaping and
21 we're well in excess of the standards that are
22 the 50 percent required by the city.

23 THE WITNESS: Jay, could we take
24 the Connecticut Avenue shot?

25 We have proximity between buildings

1 as one of those standards. The proximity
2 between the buildings is -- requires one-third
3 of the height to be the minimum distance between
4 buildings, and we -- our distance between
5 buildings is in excess of a third of the height.

6 If we went over to New Jersey
7 Avenue, which is -- which is sort of the -- our
8 driveway access. And again, with consideration
9 from the -- from the CRDA planning staff as well
10 as the consultant planners and engineers, we
11 created a lot more variation, access points,
12 entire vehicular access control point, and
13 windows along that to break up that elevation
14 to, again, engage the spirit.

15 So, while we didn't provide a
16 punchlist of compliance because we do believe it
17 does not apply, the overlay -- the redevelopment
18 plan overlays it, we certainly are well within
19 the spirit of it in every aspect.

20 BY JENNIFER SMITH:

21 Q. Right. Specifically, these are the
22 urban design standards.

23 All right. And if you'd just touch
24 on Roman numeral V dash E, Trash and Recycling.

25 A. Sure.

1 Q. Could you briefly explain how
2 that's going to function in the building?

3 A. Sure.

4 THE WITNESS: Jay, maybe we could
5 go back to the -- your overall site plan. Or
6 it's the next plan, actually. It should be one
7 of the next plans there. Yeah.

8 In each of the buildings --

9 Remember, we have three buildings.
10 And what we have, of those three buildings that
11 we have, one area that's a trash pickup area.
12 It's over on New Jersey Avenue. It's a double
13 bay covered area and -- and front protected. It
14 is the single trash location for pickup of --
15 for the entire project. And it borders the rear
16 of the retail and hugs the -- all of the
17 residential.

18 Now, any of the patrons in this
19 building -- in their buildings, there are one,
20 two, three, four vertical drops from every floor
21 of the building. So, a patron would simply walk
22 down the hallway, drop their trash in a vertical
23 trash chute, and it goes into a Dumpster, a
24 plastic roll-about Dumpster, not a heavy one,
25 but a plastic roll-about Dumpster, in the four

1 corner points of the building.

2 The maintenance staff of the
3 project then roll that -- roll that trash bin
4 over to our central trash depository, which
5 gives us good control for all kinds of things,
6 from, literally, papers blowing around, from
7 rodent issues, from any kind of contamination
8 issues. And we control those Dumpsters by --
9 the people who have access to them are our
10 staff. And our -- our patrons only walk down
11 their hallway from any of the hallways or, for
12 the ground floor units, outside and enter into
13 the trash room and throw their trash into the --
14 into the Dumpsters -- or the roll-about
15 Dumpsters in any of those four locations.

16 BY JENNIFER SMITH:

17 Q. And then the last item for you to
18 address, Roman number V G. And it's under the
19 heading Pedestrian, --

20 A. Mmm-hmm.

21 Q. -- number 1.

22 It talks about the planters and the
23 corners of the planters.

24 A. Good.

25 There was a concern --

1 THE WITNESS: If we could go back
2 to Atlantic Avenue, if that would be okay, Jay.

3 Jay is doing a good job as "Vera"
4 White today. We'll switch positions soon.

5 There was a noted concern and a
6 respected concern from the -- from the
7 consultant planners that the corners of our
8 building, where there --

9 We have a dramatic height
10 difference, we mentioned. It's five to six
11 feet. It varies.

12 But, those corners are a 90-degree
13 turn of a masonry product. Actually, that's
14 concrete poured on the 90-degree turn. And the
15 concern was, that sharp edge could create a
16 pedestrian problem if someone hit it.

17 What we're saying is, we'll work
18 with the planning staff and the engineering
19 staff to resolve that in a -- in a respectable
20 method.

21 BY JENNIFER SMITH:

22 Q. All right. That was all that I had
23 in questioning, unless there was something else
24 that you felt that needs to be added at this
25 point. I think that's it.

1 Does anyone have any questions for
2 Mr. Sykes before we call up Mr. Sciullo?

3 LANCE LANDGRAF: We'll go through
4 Jay's, then we'll --

5 CHRISTINE COFONE: Yeah.

6 LANCE LANDGRAF: -- ask questions
7 after that.

8 CHRISTINE COFONE: That's fine.
9 Perfect.

10 JENNIFER SMITH: All right. Well,
11 then -- Tom -- we'll call up Jason Sciullo now,
12 who is our civil engineer from Marathon
13 Engineering.

14

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JASON SCIULLO, P.E.,
having been duly sworn in by Scott
Collins, Esquire, was examined and
testified as follows:

DIRECT EXAMINATION

BY JENNIFER SMITH:

Q. So, as we did with Mr. Sykes, if
you could start by giving the professionals and

1 the audience the benefit of your education,
2 background and experience.

3 A. Sure.

4 Jason Sciullo. Principal engineer,
5 Marathon Engineering, with an office here in
6 Atlantic City, and our main office in Logan
7 Township.

8 I have a bachelor's of engineering
9 from Stevens Institute of Technology. I'm a
10 licensed professional engineer in New Jersey and
11 Pennsylvania. And I've appeared before this
12 board and the city and other municipalities in
13 south Jersey and all over New Jersey, actually,
14 many times.

15 LANCE LANDGRAF: As with Mr. Sykes,
16 Jay has been here several times, and we would
17 accept his credentials as well.

18 THE WITNESS: Thank you.

19 JENNIFER SMITH: Thank you.

20 BY JENNIFER SMITH:

21 Q. So, if you'd like to start by just
22 giving an overview of the project from your
23 zoning and engineering perspective.

24 A. Sure.

25 I don't want to revisit a lot of

1 it, but I'm going to just point out a couple
2 things as far as location.

3 We already know the cross streets.
4 Connecticut Avenue, on the east side, is one-way
5 heading towards the beach, heading south.
6 Pacific Avenue, on our south side, is two-way.
7 New Jersey Avenue, as it bisects the site, is
8 also two-way, as is Atlantic.

9 The secondary block, we'll call it,
10 the -- the parking block, 133, Delaware Avenue,
11 is also two-way, which is separated by a median.

12 The site circulation generally, as
13 Tom pointed out, will be on New Jersey Avenue
14 for access to this parking area. And the -- the
15 opportunity that this provides --

16 Actually, let me get into that
17 later. Let me do the zoning first, as you said.

18 We --

19 The zoning regulations that are
20 referenced in the urban renewal tract plan are
21 very specific to just these two parcels, in that
22 we got amendments recently to allow reduced
23 setbacks along the frontages of Connecticut
24 Avenue. We comply -- or, I'm sorry -- all four
25 frontages. We comply completely. In fact,

1 exceed them. One of the reasons for that, as
2 Tom mentioned, is the -- you know, having to
3 deal with the flood hazard regulations.

4 The -- the tiered approach, the
5 setback buildings, the change in elevation from
6 street grade to building grade is going to be
7 the new norm in Atlantic City. And we've done
8 it on multiple projects. On this one in
9 particular, we took the opportunity presented by
10 this change in grade to do a couple interesting
11 things, as Tom pointed out and I'll get into a
12 little more detail in a minute.

13 But, overall, we comply with the
14 zoning regulations by virtue of the
15 redevelopment plan amendments in tune with our
16 -- our proposed layout.

17 Q. If you can go into a little more
18 detail about the parking and circulation.

19 A. Sure.

20 The -- the parking one is going to
21 be interesting, in that we --

22 The -- the local ordinance
23 provision -- actually, the specific provision in
24 the urban renewal plan has a -- a lesser
25 standard than what the typical city ordinance

1 would. And we grossly exceed the requirement
2 for the local parking requirement.

3 The RSIS, which also applies to
4 this project, there is the standard calculation
5 by way of the number of units, the type of
6 bedroom counts, things like that, where we have
7 a more stringent -- or, I'm sorry -- a more -- a
8 higher requirement for parking that we do comply
9 with with this layout, but we want to point out
10 that, in RSIS, there's a standard provision that
11 says that if local code has a better standard
12 than what RSIS has, that should be applied,
13 which we feel that, here in Atlantic City, the
14 parking standard that's in place for the -- the
15 urban renewal tract is absolutely sufficient for
16 what this -- this project will do. And the
17 traffic engineer can attest more, if -- if
18 needed.

19 But, the real reason for this
20 parking that's on the second block here is the
21 coastal zone management rules, promulgated by
22 DEP as part of the CAFRA approval process,
23 requires two spaces per unit when you're within
24 a half mile of the beach, 2,000 feet of the
25 beach. And we are within that distance. So,

1 what we show here is the parking necessary to
2 meet the coastal rules.

3 We had a pre-app meeting with DEP.
4 We will submit, for the CAFRA application, a
5 CAFRA permit application, shortly.

6 We're going to work hard to get
7 that parking requirement reduced. We hope that
8 that will happen. It's -- you know, maybe not.
9 But, either way, we have provisions to
10 accommodate that requirement, but it ought to be
11 clear that we accommodate -- or provide what's
12 required by city code and by the urban renewal
13 tract redevelopment plan just on main Block 132.

14 Q. Is it your understanding that, in a
15 subsequent phase of development, the developer
16 very likely is going to remove that surface
17 parking or incorporate it into a more permanent
18 commercial development?

19 A. Absolutely. Yes. The --

20 And Tom touched on it. But, the --
21 the green space that's shown here -- which I
22 apologize for the colors. On the laptop, it
23 looks great. On these screens, it's showing up
24 a lot different.

25 But, this space here, this green

1 space, is going to be lawn, for the time being.

2 What we intend in the future is to
3 come back with an application to CRDA for
4 commercial development along these frontages.
5 We're not at a stage, at this point, to -- to
6 present anything. But, that's the intent.

7 And when that comes in, this
8 parking will either be incorporated, as you
9 said, Jenn, or it will be replaced with some
10 other kind of structure or different general
11 layout for parking.

12 The access will be maintained in
13 the same location, about mid-block on New Jersey
14 Avenue.

15 And this was intentional, as Tom
16 mentioned, because New Jersey Avenue is the --
17 the least traveled roadway in this -- this
18 region or in this site.

19 What we propose is a two-way
20 driveway on New Jersey Avenue separated by a
21 median that will -- or a landscape opening here
22 that will have a security gate that crosses it
23 to prevent unauthorized vehicles; mainly,
24 non-residents, from being able to access the
25 parking area.

1 We proposed a similar gate -- it
2 wasn't shown on the plan originally, but we
3 intended to do another similar security gate on
4 the driveway for the remote lot.

5 This security gate will be accessed
6 through swipe cards or buttons or a call box.
7 And a similar feature will be up at this gate --
8 or this driveway location for service where
9 service trucks would have the same kind of
10 access.

11 They are the -- the two locations.
12 This will be the main one. As Tom said, this
13 one is service and emergency, intended to be
14 very limited use; only for delivery vehicles and
15 in the event of an emergency.

16 The parking arrangement is all
17 two-way perpendicular spaces that pull in and
18 out in every direction, full mobility through
19 the site. We also designed it so that -- you
20 may not be able to notice with this scale, but
21 the radii on these outside planter islands is
22 rather -- not rather large -- it's larger than
23 the rest for the purpose of accommodating a
24 service vehicle, be it a fire truck or a trash
25 truck, anything else that may want to get in

1 here for some reason. Loading vehicles if, for
2 some reason, you know, moving in a resident,
3 they can get in and -- and make these turns.
4 But, again, limited use is what's expected.

5 Also on this layout you'll notice
6 the -- the building color. You'll see it in the
7 parking lot. We show a larger portion that's
8 also the same color as the buildings.

9 This is that elevated pool deck
10 that Tom mentioned with the direct access to the
11 corridors in the -- or the core stair towers and
12 elevator towers in these two buildings. This is
13 elevated above the parking area and sufficient
14 clearance underneath it to allow vehicles to
15 pass, and will be mostly green space, as Tom
16 mentioned.

17 Q. Just to touch, briefly, on loading.
18 I know Tom showed where the loading area for the
19 trash would be.

20 A. Mmm-hmm.

21 Q. What types of trucks do you
22 anticipate are going to be using that loading
23 area?

24 A. Well, this -- this loading area
25 that we're calling along the back of the

1 building here, we're anticipating straight
2 trucks for restaurant and food deliveries. And
3 then the loading dock that's at the -- near the
4 intersection of New Jersey and Atlantic, which
5 is, really, more for trash pickup, there's going
6 to be trash trucks and, again, straight trucks
7 that large. That --

8 I mentioned before the opportunity
9 presented by the changing grade. One of the
10 things that we were able to take advantage of
11 with that elevation difference is, as Tom
12 mentioned, the building finish floor is 12 on
13 this block. The road grades out here are in the
14 sevens. So, that five feet of elevation
15 difference, a little bit gets eaten up when you
16 rise up the curb, but, generally, there's enough
17 elevation change inside or from the inside of
18 the building, the finish floor, to the outside
19 grade to put in a loading dock in that area.
20 That's not necessarily a loading dock like you'd
21 see at a truck depot, but it will be a
22 three-sided raised area where the Dumpsters will
23 actually be up against that edge so that the guy
24 with the cart that Tom mentioned can walk right
25 out and dump it right into the Dumpster without

1 having to pick it up or do anything. It's a
2 quick movement. And then the trash truck will
3 be able to back right in, pick up the Dumpsters
4 and out they go.

5 Q. All right. So, as Mr. Sykes, have
6 you read the ARH report --

7 A. I have.

8 Q. -- of October 31st?

9 A. Yep.

10 JENNIFER SMITH: Now, to save a
11 little time, if the planning professionals don't
12 mind, we actually prepared a written response
13 that we'd like to submit as an exhibit. And
14 then we would go ahead and identify some of the
15 items that we think require further testimony.

16 LANCE LANDGRAF: Okay. Please do.

17 JENNIFER SMITH: I believe we're up
18 to A-10. So, I'll just mark that.

19 So, this is a written response
20 prepared by Marathon Engineering, dated November
21 6, 2014. So, I can leave it here.

22 But, we'd also like to provide some
23 testimony on a couple of the key items.

24 BY JENNIFER SMITH:

25 Q. I believe you wanted to start with

1 the environmental item?

2 A. Well, let me -- well, let me just
3 make a brief statement about it.

4 We -- when we got this review
5 letter, we have made efforts, since we received
6 it a few days ago, till today, to meet,
7 informally, with Ted's office to go through the
8 major concerns and resolve the issues generally.

9 This -- this letter was provided
10 this morning as a culmination of the discussion
11 that we had to formalize it and put it in a
12 response with this --

13 We've gone through a pretty good
14 amount of effort to get to this point. And I'll
15 explain the changes we intend to make to address
16 some of the comments and some clarifications on
17 the plan that weren't intentional when it was
18 submitted.

19 Q. And just before we get too far, --

20 A. Sure.

21 Q. -- it's your opinion that all of
22 these changes are technical in nature and can be
23 done as conditions --

24 A. Absolutely.

25 Q. -- of both the approval of the

1 preliminary and final site plan approval?

2 A. They don't change anything
3 materially.

4 So, yeah. Absolutely.

5 Q. So, the first item, I believe, was
6 Roman number I A.

7 A. Yeah. For the environmental
8 comment, this site, just like many others in
9 Atlantic City, had some residential on it a long
10 while back, and there were some underground
11 tanks that were discovered. And many have been
12 remediated up to this point. There are a
13 handful left. And the applicant, the owner,
14 developer, intends to provide any remediation
15 necessary to remove the tanks on the site and
16 also, out to the curb lines, if any are found in
17 the right-of-way.

18 Q. Item B was the right-of-way
19 infringement on Atlantic Avenue.

20 A. Yep.

21 Q. And I know Mr. Sykes talked about
22 that.

23 A. Yep.

24 Q. Was there anything that you wanted
25 to add concerning Atlantic Avenue?

1 A. Sure.

2 Go to the next one. I'll go back
3 to your -- that section cut.

4 All right. The first thing I want
5 to clarify is, in our plan set, as submitted,
6 there was a dimension that was erroneously drawn
7 from the edge of the gutter to the face of the
8 new wall. It was intended to be the face of
9 curb to the new wall. So, there's a drafting
10 issue that we have to resolve. But, the intent
11 is to provide a minimum of ten feet from the
12 face of curb to the face of the first lower
13 wall.

14 Now, the --

15 And we -- we do intend, actually,
16 after discussions with Mr. Wilkinson's office,
17 to, potentially, expand that in a couple places.
18 And I'll -- I'll go through the reason why.

19 This sketch shows -- you know,
20 we'll call it worse case scenario, where there's
21 an infringement or an impact to the ten-foot
22 wide sidewalk area for the existing features
23 that are out there, such as, as Tom mentioned,
24 the traffic control signal box. There's utility
25 polls, there's traffic -- or, I'm sorry --

1 parking meters. There's double posted signs
2 that stick out a little ways. There's actually,
3 today, a -- a bus shelter that is pretty much
4 dead center of the sidewalk. It actually cuts
5 it off today to have less than six feet or just
6 about six feet to get around it.

7 The -- the existing sidewalk on
8 Atlantic Avenue is 15 feet. So, it would fall
9 about midway into this -- this planter here.

10 What we intend to do --

11 In that 15 feet, around the
12 existing bus shelter, is only six feet. The
13 rest of the way, the encroachments we're not
14 going to change. They go between two and four
15 feet.

16 So, today, the travelway is from
17 six feet up to, at best, 13 feet.

18 What we intend to propose, after we
19 make this -- this change, this modification I
20 mentioned to clarify the plan, is, at worst,
21 we'll have a six-foot pinch point in a couple of
22 places that I'll go over in a second, and then
23 most of it -- most all of it will have between
24 eight and nine feet -- I'm sorry -- yeah --
25 about eight feet for the rest of the -- the

1 travel length, based on the existing
2 encroachments that we're not going to modify.

3 Now, the --

4 Go to the next slide, Tom. I think
5 it's the first picture.

6 All right. This --

7 JENNIFER SMITH: So, this one we'll
8 mark as A-11.

9 THE WITNESS: Okay. This is a
10 photo standing at the intersection of New Jersey
11 and Atlantic, on the handicapped ramp, looking
12 east. So, we have Atlantic Avenue on our left,
13 Connecticut Avenue in the distance, and
14 underneath this, generally, would be New Jersey.

15 You'll see this is that traffic
16 control box I had mentioned and that -- and the
17 existing bus shelter.

18 What we intend to do with this bus
19 shelter is, instead of leaving it in place,
20 aside from it being in the way, it's also not
21 very attractive. We intend to replace it with a
22 better-looking fixture and actually move it into
23 the area where we propose the wall. So, it will
24 actually be tucked into that planter area, out
25 of the way completely. So, where, today, we

1 would have six feet to clear behind this, we
2 would provide pretty much from face of curb to
3 face of where that -- that bus shelter is going
4 to be, at least ten feet, probably 11 after
5 we're done going through a couple of the
6 modifications. So, it will open that section
7 way up.

8 You'll see that this seam of the
9 sidewalk is generally about five feet. So, this
10 traffic control box is a little over four feet
11 encroaching. So, at this point, there's going
12 to be a pinch, where if we have four feet
13 encroaching here, at the intersection, assuming
14 that we don't really modify the corner of that
15 wall, which we intend to do, but, at worst,
16 there would be a six-foot clear spot here.

17 And then, Tom, on the next one, if
18 you can hit the -- the next slide.

19 It's probably a little bit
20 difficult to make out, but you see right here.
21 There's a double posted sign, and you can see
22 the leg of it right there. And, again, it
23 follows that pavement seam or that concrete
24 seam, a little bit inside of it. That is about
25 four and a half feet or five -- I think it's

1 five. We'll call it five, just to be safe.

2 Five feet of encroachment.

3 So, at that point, where we intend
4 to put the wall, we want to move it back.
5 Instead of being ten feet from the face of curb
6 to the face of the wall, it would be 11. So, we
7 maintain six feet clear between that post and
8 the wall. So, we have that really tiny section
9 where you'd have to walk around that sign.

10 And then the section at the
11 intersection which I mentioned, that's just like
12 everywhere else in town, which I can get into if
13 we need to. And then the rest of it will be
14 eight feet clear and, in some places, up to ten.

15 The places that would be eight feet
16 clear, like I mentioned, the utility poles and
17 the traffic meters -- or the parking meters,
18 other things, they encroach two feet. And
19 that's an existing condition that exists all
20 over town that we --

21 We would love to see the poles go,
22 but it's not part of the project.

23 Q. One more --

24 A. The same thing with the meters.

25 I'm sorry. Go ahead.

1 JENNIFER SMITH: And this photo
2 we'll mark as A-12.

3 THE WITNESS: Yep.

4 ROSE ANN LAFFERTY: Titled?

5 JENNIFER SMITH: I don't --

6 THE WITNESS: This is -- I'm sorry.
7 This is standing on Connecticut, looking west,
8 down Atlantic.

9 I also want to point out -- and it
10 wasn't clear on the plans of the scale we were,
11 but you see this section of sidewalk here?
12 Everyone remembers that, recently -- I'll call
13 it recent, but Connecticut Avenue was redone by
14 CRDA as part of the south inlet transportation
15 improvement project.

16 This sidewalk that's here actually
17 encroaches onto the property by six feet. We
18 don't intend to modify it other than replace it
19 when we put in our improvements, but we're going
20 to maintain that six-foot clearance. And that's
21 all the sidewalk is. It's six feet of sidewalk,
22 and then there's a lot of landscaping between
23 that sidewalk and the curb line of Connecticut.
24 And again, it encroaches into the property.
25 We're going to leave it as is.

1 And then many other places in town,
2 as everyone knows from walking around, we have a
3 lot of conditions where a lot of it is generated
4 by the -- the bus canopies, where there's
5 sometimes less than six people -- we'll call it
6 six feet clearance in a lot of places, that
7 we're going to now expand that walking area
8 behind that bus shelter -- or in front of that
9 bus shelter, technically, now.

10 The other thing I'm pointing out,
11 again, is the -- the points where we are going
12 to have six feet are going to be one small area
13 of a sign that's, you know, six inches wide or
14 so. And then at the intersection, where that
15 control box is, where part of that is actually
16 into the sidewalk alignment of New Jersey
17 Avenue, where we're going to have six feet of
18 clearance, for a total length of four feet or
19 so, when, today, behind that bus shelter it's
20 between eight and ten feet of only six feet of
21 the walking space.

22 So, we're going to improve existing
23 conditions substantially with the development we
24 propose.

25 BY JENNIFER SMITH:

1 Q. And to the extent any of the
2 planters or retaining walls are in the
3 right-of way, it's your understanding the
4 applicant will seek an appropriate license or
5 easement from the city. Correct?

6 A. Yes. Yes.

7 Q. As a condition of approval?

8 A. Actually, one more thing on this.

9 THE WITNESS: Tom, if you can go
10 back to that section detail.

11 When I mentioned that we have other
12 places where there is six feet clear, if you
13 walk down Atlantic Avenue, there's a lot of
14 places where the bus shelters stick out. It's
15 not just six feet clear to a low wall or to a
16 planter, it's actually, in some places, to the
17 building wall.

18 And the major difference between
19 how this development is going to look or -- or
20 function relative to some of the existing
21 conditions in town is this big grade difference
22 that we talked about allows for a secondary
23 public walkway along the front of the building
24 that will be here.

25 And the second thing is, the

1 pedestrians that will be walking, generally,
2 down Atlantic Avenue are to -- mostly, to
3 traverse the site, not necessarily going in and
4 out of doors, because you're not going to have
5 doors that open right up to the sidewalk, like
6 you have in the rest of the town. We're not
7 going to have anybody that's, you know --

8 Like in front of our -- our office,
9 there's a 7-Eleven on the ground floor and the
10 door swings right in the middle of the sidewalk
11 and it's four feet wide or three and a half feet
12 wide and it blocks half the sidewalk. There's
13 trash cans all over. And it functions. I mean,
14 it's not ideal, of course, but ...

15 And we're not trying to make a
16 condition that's, you know, not attractive.
17 But, in general, this exists all over town.

18 We're not asking for anything out
19 of character.

20 And now that this isn't a wall
21 going straight up like a building wall, with a
22 door, potentially, swinging out, it's a very low
23 wall. So, the -- the perception as you're
24 walking is a lot of open space. You're not
25 necessarily able to walk the full ten feet over

1 or 12 feet over, but you have visibility and it
2 doesn't feel like you're walking down a really
3 narrow section.

4 LANCE LANDGRAF: Jay, you had said
5 this is similar to the Phase III of The Walk.

6 THE WITNESS: Phase III of The Walk
7 is better than Phase II of The Walk, which I'll
8 point out that the regulations changed halfway
9 through it. Because the handrails stick out a
10 little bit if anybody has walked down there, on
11 Baltic Avenue. But, that condition will
12 definitely not be here.

13 Yeah. It's very similar to Phase
14 III of The Walk.

15 LANCE LANDGRAF: Just for a visual.
16 We can probably make that assumption of what
17 it's going to look like.

18 THE WITNESS: And -- and while
19 we're talking about that, what's happened in a
20 lot of the projects that we've done recently
21 here in town, with the -- the flood hazard
22 regulations changing the way they are, I
23 mentioned briefly that this will be the future
24 of how things are done here in town. There's a
25 very limited section where the finish floor

1 elevations are going to be close to existing
2 road grade in the middle of town, on Atlantic
3 Avenue. But, everywhere else -- like this end
4 of town, when you go down anywhere else that's
5 not Atlantic, you're going to have a minimum of
6 four feet of difference between existing road
7 grade and what the flood hazard elevations and
8 the required finish floor elevations will end up
9 being. So, this way of eating up grade is going
10 to be seen in a lot of future developments. The
11 -- the days of zero setback, I think, are gone.

12 We don't have many opportunities
13 for it unless there's no access along that wall.
14 Most of the street frontages will have access.
15 So, this is what you're going to see all over.
16 It may not be tiered, landscaped this way, but
17 it will have some kind of big grade break to be
18 able to make it to finish floor and have
19 landings on both ends of it.

20 BY JENNIFER SMITH:

21 Q. So, the next item in the report was
22 stormwater management. If you could briefly
23 touch on item C.

24 A. Yeah. And this is a valid concern.
25 We're glad that you raised it, Mr. Wilkinson.

1 The --

2 Generally, everything in town,
3 during a major storm event, will be under water.
4 Everyone kind of accepts that. What we're
5 trying to do is, generally, control the failure.
6 That's -- that's our understanding going through
7 this.

8 What's going to happen now or
9 today, with the existing conditions, the
10 stormwater infrastructure runs on Connecticut
11 and New Jersey. There's no infrastructure,
12 being pipe work, in Pacific or Atlantic.
13 There's inlets at the intersection.

14 So, generally, about half the block
15 will drain to the stormwater infrastructure in
16 New Jersey -- half of both blocks, I should say,
17 and then, you know, likewise, going to
18 Connecticut and Delaware.

19 We read an analysis, and the
20 drainage area that actually goes to this
21 intersection that hits the pipe that we're
22 connecting to -- because that's -- that's the
23 only inlet that connects to this section that
24 we're actually in -- this intersection
25 collection area actually isn't very large. And

1 when we take this section of the site and this
2 new parking area of the site and put it into
3 this existing infrastructure, it can be
4 accommodated.

5 We'll provide calculations to
6 demonstrate it, but the general accepted
7 standard in town is that these pipes support --
8 are supposed to support a ten-year storm, which
9 we will prove that this does accommodate it.
10 It's a relatively large pipe. And our
11 development won't negatively impact downstream
12 due to the capacity available.

13 Q. So, it's your opinion, as the
14 engineer on this matter, that the stormwater
15 infrastructure is definitely adequate to handle
16 the -- to safely discharge the stormwater?

17 A. "Definitely" is a little strong.
18 We ran a preliminary calculation.
19 We're very comfortable that it will work. And
20 we have options to address it if it doesn't,
21 such as, potentially, sending roof drainage from
22 this building over, maybe, to Connecticut
23 Avenue. There's infrastructure available there.
24 We don't think it's going to be necessary.

25 We provided preliminary

1 calculations to Mr. Wilkinson's office. We're
2 going to go through them in detail to make sure
3 that we do accommodate it to his satisfaction.

4 But, yes, we believe that it will
5 work without modification.

6 And on the stormwater management
7 front, too, while we're talking about it, the --
8 you'll see that this -- and in many urban areas,
9 we don't do it, but there's no open basin or any
10 kind of stormwater management attenuation.

11 Just to be clear, the -- the
12 coastal rules or the stormwater management
13 regulations referenced in the coastal rules,
14 there's three standards, two of which don't
15 apply to this site because of where we're
16 located.

17 The one that does is water quality.
18 And the specific standard is to remove suspended
19 solids. Pretty much, filter the water. And
20 what we propose is, in the middle of this
21 driveway, there's a treatment structure. And
22 also, in similar -- in this driveway, we have a
23 treatment structure. We provide that water
24 quality feature so that this site meets the
25 stormwater management regulations of the state.

1 And the city ordinance has a reference to the
2 state standard.

3 LANCE LANDGRAF: There is
4 appropriate maintenance standards for those?

5 THE WITNESS: Absolutely. It's --
6 They're approved by New Jersey CAT
7 and they're -- and they have maintenance plans
8 associated with them.

9 And these ones are a newer
10 structure that have a lot less maintenance than
11 some of the -- the previous ones. They're
12 pretty much like a bunch of pool filters sitting
13 in a manhole. It's -- it's a pretty neat deal.

14 BY JENNIFER SMITH:

15 Q. Are there any other items you want
16 to address from the report?

17 A. Yeah. Let me make sure we don't
18 miss any.

19 We talked about the right-of-way.

20 Okay. The one -- the one that I
21 just wanted to go over. We talked about it
22 briefly with Mr. Wilkinson's office. The
23 crosswalks --

24 There's a comment in the review
25 letter, which would be item Roman numeral III B

1 6.

2 The -- the crosswalks that were
3 brought up in the review letter were for
4 high-speed areas. They --

5 They're the perpendicular ones. He
6 calls them Abbey Road stripes, but, you know,
7 piano keys, whatever. They're the ones that are
8 the larger white lines that run perpendicular to
9 the travelway. We don't recommend that, based
10 on a couple things.

11 First, they're intended for
12 high-speed areas. This is low-speed, obviously.

13 And we want to submit that every
14 other crosswalk in town that -- at the
15 intersections today just has parallel lines.
16 There's no paint on the ground that looks
17 similar to what's being requested here.

18 The only place that we would need
19 this, also, is at the driveway openings.

20 So, we don't recommend those kind
21 of crosswalks. We want parallel stripes because
22 it's low speed and more aesthetically viable.

23 Inside the site there's crosswalks
24 that go from the accessible spaces. Those have
25 parallel lines as well, but we intend to

1 crosshatch them to pull out more visual break as
2 you drive up to it. They won't be piano keys or
3 Abbey Road stripes, but they'll be the painted
4 gore, similar to the ADA-accessible space
5 painted area, the one that goes next to it.

6 So, we will make the modification
7 to do that.

8 Further into this --

9 LANCE LANDGRAF: What's -- what's
10 the threshold between low speed and/or high
11 speed?

12 THE WITNESS: Well, this is all 25
13 mile an hour. So, that's definitely low speed.

14 The threshold, I want to say it's
15 like 45, maybe.

16 And you'll see them most of the
17 time on major intersections, like DOT areas that
18 aren't signalized, and in some places where
19 there's mid-block crosswalks, which will be the
20 next comment that I'll get to.

21 That would be --

22 For a mid-block crosswalk, it would
23 probably be reasonable just because of the --
24 the approach and the visibility.

25 The -- the mid-block crosswalk.

1 There's another comment in here. Let me see if
2 I can find it real quick.

3 Okay. It's item G under Vehicular.
4 Item 3. No. I'm sorry. That's not right. No.
5 That's Pedestrian. I'm sorry.

6 Okay. It's under item G, again,
7 under Pedestrian, item 3. The comment is -- is
8 asking to provide a mid-block pedestrian
9 crossing detail for New Jersey Avenue.

10 And we understand that maybe there
11 was some misunderstanding as to the function of
12 the -- this remote lot for residents. As we
13 stated before, we don't know that it's actually
14 going to be necessary, based on the true parking
15 standard here in town versus the coastal rule
16 standard.

17 But, what we intend is there would
18 not be any mid-block crossing. We don't want to
19 condone or -- or give any reason to anyone to
20 want to jaywalk and cross through the middle of
21 the intersection -- the middle of the block.
22 It's a major issue we have in town, and we don't
23 want to add to it.

24 But, the frontage of New Jersey
25 Avenue, along this building, there are doors

1 along this frontage, but they're service doors.
2 They're not for access to the actual units. So,
3 no one would have a reason to walk through this
4 middle section.

5 When they park in this lot, the
6 corner walking paths that we provide would put
7 them out into the crosswalk -- the existing
8 crosswalks on both ends to be able to get to the
9 front of their units, which is where everyone
10 that parks in this lot would likely go in.

11 We'll clarify that through the
12 preparation of a pedestrian route plan. That
13 was another request in the letter.

14 But, I just want to make clear that
15 mid-block crosswalk is not something we're going
16 to recommend or -- or, you know, want to see
17 happen anywhere in town, let alone here.

18 All right. I talked about the
19 loading driveway, generally. That was another
20 comment I wanted to hit.

21 The bus shelter I mentioned.

22 Under section B -- or, I'm sorry --
23 Roman numeral 3, B, item 10. It's a minor
24 clarification.

25 What we intend at the loading

1 driveway is not to put in a depressed driveway,
2 similar to a roadway intersection. We're going
3 to put in the city standard ramp that will have
4 the sloped section of the ramp in the first six
5 feet of the sidewalk and then a four foot clear
6 flush or flat sidewalk area that runs at the
7 same elevation as the rest of the sidewalk so it
8 doesn't look like a crossing. It will just be
9 sidewalk with a depression on the -- the one
10 edge of it, which is similar to the city
11 standard. So, we don't need pedestrian -- or,
12 I'm sorry -- barrier-free ramps at that
13 location.

14 We'll provide a detail to clarify.

15 The next comment in that same
16 section, 13, about the water meter pits. I just
17 want to point out. We want to make sure that
18 the condition from the --

19 If we -- if we obtain approval, we
20 don't want a condition in it that says we have
21 to perform test pits in order to get the water
22 meter pits to be -- to be buildable. The water
23 meter pit that we propose is the ACMUA standard.
24 We have options if there are any utilities or
25 any other kind of underground facilities in the

1 way and it creates a conflict. We can pull
2 those meter pits back into the landscaped area,
3 outside the right-of-way, which we will do if
4 need be, so that we don't have to worry about
5 going through and researching now if there's an
6 issue. It's an easy move to make in the future
7 when we go into construction. Besides that, we
8 don't want to go digging up the areas where
9 they're going to be doing work in the next
10 couple weeks.

11 Tom mentioned the signage.

12 Under section 3 again, Roman
13 numeral III B -- I'm sorry -- Roman numeral III
14 D, Grading and Drainage, item 4. The curbing
15 under the second floor pool area, if it's
16 necessary. We --

17 It's not going to get in the way of
18 the traffic movement. It's a similar -- it's
19 very similar to a lot of other parking garages,
20 which this will generally appear to be when
21 you're underneath that pool deck. The -- the
22 purpose of those -- that curb area is to protect
23 the columns and the fire finish on them. The
24 structural engineer was concerned about it.
25 That's why they were incorporated.

1 So, we want to just make sure it's
2 clear that they're going to stay in for that
3 reason.

4 And in that same section, item 13,
5 is the downstream capacity of the system for
6 stormwater that I mentioned.

7 All right. Under 3 G, Vehicular,
8 item 3, we mentioned the gates on New Jersey
9 Avenue and Connecticut Avenue and how they will
10 generally function. There are going to be
11 security gates to make sure that only residents
12 are accessing the parking lot, and then service
13 vehicles, as I mentioned.

14 The question in this comment is
15 related to what happens if someone were to make
16 the mistake of not realizing they can't park
17 there and pull into the driveway. The gates are
18 going to be set at a distance from the back of
19 the sidewalk so that you could have one car
20 sitting and queuing. But, that distance is
21 sufficient that if someone were to pull up and
22 go to turn into that driveway, they'd be able to
23 see the gate, but there is no provision for
24 anyone to be able to do anything to get out of
25 the driveway short of backing out onto New

1 Jersey Avenue if they pull in there
2 accidentally.

3 There will be a call box there that
4 if, for some reason, they're -- they're jammed
5 in, if somebody else is trying to come in and it
6 creates a problem, they will be let in to go
7 into the site and turn around, but, generally,
8 it will be set up so that people will be able to
9 back out. This is very similar to the
10 arrangement that's at the parking garage at
11 Showboat, at Bella, at other parking facilities
12 that are gated all over the area.

13 LANCE LANDGRAF: Do you mean to
14 address that with some signage; that residents
15 only, some --

16 THE WITNESS: Yes. Absolutely.
17 Yeah. That's a good point. Yes. We will
18 definitely do that and say for residents only,
19 private parking.

20 And along those lines, item 5 in
21 that same section, the primary use of both of
22 these parking facilities is for the residents.

23 The -- the parking required for the
24 retail space. As noted in the ordinance,
25 because of the transportation -- public

1 transportation available on Atlantic Avenue and
2 Pacific but Atlantic primarily, where the retail
3 space will be, the -- the total amount of
4 parking that's required for that portion of the
5 complex, just going by the area that's there,
6 was 26 spaces, I think. I can't remember the
7 exact number. I'll say it's 26.

8 As you know, in the ordinance,
9 there's a provision that if you're on the public
10 transit corridor, which is Atlantic Avenue, the
11 main one, the main trunk, you can reduce that
12 parking requirement by 85 percent, which would
13 put us at four spaces, five spaces required.
14 There's more than that available on the street
15 right in front of those retail uses. So, the
16 anticipated parking demand for this walkup area
17 is very low.

18 So, all that will be accommodated
19 with the street spaces. We don't need to
20 provide public access parking on the main site
21 -- or on either site.

22 I think that's it.

23 JENNIFER SMITH: I think that's
24 all.

25 All right. And as I said, we also

1 provided more substantial written comments to
2 address some of the other items, particularly
3 the ones where we can certainly comply as a
4 condition of approval.

5 THE WITNESS: Yeah. Generally, if
6 they weren't mentioned, then we agree to comply
7 and provide the information necessary.

8 JENNIFER SMITH: So, we also have
9 our traffic engineer here, but, as we said,
10 unless there's specific traffic questions --

11 There was nothing in the report
12 that indicated any further testimony was
13 required in support of the traffic report that
14 was previously submitted.

15 LANCE LANDGRAF: We're working on
16 traffic right now. Do you --

17 THEODORE WILKINSON: Yeah. I'm
18 okay with traffic.

19 LANCE LANDGRAF: Okay. Fine. I
20 don't think we need any testimony. So, I'm glad
21 you brought him, but sorry, Jenn.

22 JENNIFER SMITH: Better to be safe
23 than sorry.

24 LANCE LANDGRAF: Exactly.

25 Why don't we go to --

1 Ted, why don't you dive in a little
2 bit?

3 THEODORE WILKINSON: Yes.

4 LANCE LANDGRAF: I know there's
5 been a lot of testimony, and we'll see what --
6 We've covered a lot.

7 THEODORE WILKINSON: Yes.

8 LANCE LANDGRAF: So, let's go
9 through your stuff.

10 THEODORE WILKINSON: I have
11 reviewed the response letter from Jay, and Jay
12 and I spoke, and we have concurred that the
13 issues that I've raised technically --

14 SCOTT COLLINS: Excuse me. Let me
15 interrupt you for one second.

16 THEODORE WILKINSON: Yes.

17 SCOTT COLLINS: I don't know that
18 you've been sworn.

19 THEODORE WILKINSON: No.

20

21

22

23 THEODORE WILKINSON,
24 having been duly sworn in by Scott
25 Collins, Esquire, was examined and

1 testified as follows:

2

3 THEODORE WILKINSON: Jay and I have
4 gone over the response letter, and -- and
5 Marathon has agreed to comply with the technical
6 issues.

7 You did a good job, Jay, explaining
8 the storm drainage and the parking issues.

9 I just have a quick list of items
10 that we need to just go over. And if we could
11 mutually agree, technically, then I would feel
12 comfortable moving forward.

13 The first issue that was not
14 addressed on the plans is fire lanes and fire
15 safety and whether or not the fire marshal has
16 reviewed these plans yet.

17 THE WITNESS: We haven't directly
18 given anything to the fire official. I'm not
19 sure if it was part of the distribution. We
20 will certainly reach out.

21 But, we -- we would expect that,
22 due to the layout and nature of this, that the
23 fires would be fought from outside the complex.

24 But, we'll confirm with them.

25 And we do have -- we have -- we do

1 have adequate range inside the facility as far
2 as the movement of the truck. And since they're
3 in areas where there's no parking, there should
4 be sufficient room for fire lanes, but there's
5 no separate segregated painted areas that we're
6 calling fire lanes.

7 But, we will reach out and --

8 THEODORE WILKINSON: But, you would
9 agree that if the fire marshal came back and
10 required a fire lane painted up, you'd have no
11 problem providing that?

12 THE WITNESS: We'll work with them.
13 Absolutely.

14 THEODORE WILKINSON: Okay. How
15 about water and sewer capacities? Have they
16 been researched to make sure that there's
17 adequate capacity?

18 THE WITNESS: Yeah. I'll give you
19 a little bit more background, too.

20 A few years back -- I'll say it
21 was, maybe, 2009 -- we went through a similar
22 approval process but with the city -- CRDA
23 didn't have the Tourism District at the time --
24 for residential development on these two blocks,
25 and the -- that was mostly single connections

1 all around the perimeter and -- and tore up the
2 roads pretty good.

3 This arrangement has three
4 connections for water and sewer -- or actually,
5 three connections out to the street for water
6 and one primary connection for sewer that's
7 piped internally and it comes out into the one
8 area.

9 The capacity for sewer on Pacific
10 Avenue is a 20-inch trunk line that ACSC
11 installed back in -- I want to say the '90s that
12 they want everything to go to.

13 Today, the sewer -- the sanitary
14 sewer infrastructure on New Jersey is dry.
15 There's nothing connected to it.

16 So, we're going to reroute a short
17 section towards Pacific Avenue, which has been
18 agreed to by the sewerage company.

19 And there's plenty of capacity in
20 their system at the wastewater treatment plant
21 to accommodate everything.

22 THEODORE WILKINSON: Okay.

23 THE WITNESS: So, we have not just
24 the route, but the capacity figured out.

25 THEODORE WILKINSON: Right.

1 THE WITNESS: For the water, we
2 intend to make two connections onto Connecticut
3 Avenue and then one out to Atlantic.

4 And we've had the same actual water
5 usage in town here for 25 years.

6 THEODORE WILKINSON: Okay.

7 THE WITNESS: It hasn't increased.
8 We have plenty of capacity.

9 So, we'll absolutely be able to get
10 a permit.

11 THEODORE WILKINSON: Okay.

12 Regarding the corners, all four
13 corners, just from a safety standpoint and,
14 mainly, with utilities, mainly out on Atlantic,
15 probably underground utilities, electric and
16 storm drains at these corners, I would just
17 recommend to the client and to the CRDA that the
18 90-degree turns, I would recommend removing them
19 and chamfering each corner at least five feet.

20 THE WITNESS: Okay.

21 THEODORE WILKINSON: Opening up
22 each corner.

23 It would help the city in the
24 future if they ever wanted to pull back curb
25 radii.

1 THE WITNESS: Okay.

2 THEODORE WILKINSON: Or if they
3 wanted to increase radii in the future to
4 improve traffic circulation, then at least your
5 landscaping and your hardscape is already set
6 back.

7 THE WITNESS: Yeah. We -- we agree
8 to do that. We've -- we talked about that
9 yesterday.

10 THEODORE WILKINSON: Okay.

11 THE WITNESS: So, I'm glad you
12 bring it up.

13 Yeah. We're going to take those
14 corners --

15 And when we say "soften," that's
16 the way we're going to do it. We're going to
17 remove the straight square and put a chamfer in.

18 THEODORE WILKINSON: Yes.

19 THE WITNESS: And I'll add to it,
20 too. That the city actually likes that, too.
21 We've --

22 The landscape architect has said to
23 me a couple times that we should be doing that
24 where we can.

25 THEODORE WILKINSON: Okay.

1 THE WITNESS: And it makes sense
2 for sure on the intersections of New Jersey
3 Avenue.

4 On the Connecticut Avenue side, it
5 may not be as much of an issue --

6 THEODORE WILKINSON: Right.

7 THE WITNESS: -- because of the way
8 that sidewalk is.

9 THEODORE WILKINSON: Okay.

10 THE WITNESS: But, we'll -- we'll
11 chamfer and work with you for that.

12 THEODORE WILKINSON: The plans
13 right now, I think you provide, I think,
14 internally, eight or nine handicapped spots.
15 You might need a couple extra. I just want to
16 confirm that the client would comply fully with
17 ADA standards --

18 THE WITNESS: Absolutely.

19 THEODORE WILKINSON: -- at the time
20 of final submission?

21 THE WITNESS: Yes. As a -- as a
22 condition of, hopefully, an approval, we'll do
23 that.

24 THEODORE WILKINSON: Yes.

25 And with regard to Atlantic Avenue,

1 your testimony was very clear. Regarding the
2 final buffer, the plans will be revised to
3 confirm you will have a minimum ten feet from
4 the wall to the face of curb.

5 THE WITNESS: Yes.

6 THEODORE WILKINSON: But, in
7 addition to that, I would just like if the
8 applicant could confirm that they would agree
9 to, at their -- the best extent possible, they
10 will work with anything out in the sidewalk,
11 such as signs, parking meters, any other
12 structures, to just improve that gap and that
13 clearance as best possible.

14 THE WITNESS: From --

15 Yes. Absolutely.

16 From our review of -- of, you know,
17 on-site measurements recently and also going
18 through and reviewing the plan, I want to also
19 point out that the -- the survey that was
20 provided for the project or performed for the
21 project was at a larger scale than what our
22 plans were submitted. So, the symbols that are
23 shown are pretty large. They're not true size
24 of this. Like it shows a sign like ten feet
25 wide.

1 THEODORE WILKINSON: Okay.

2 THE WITNESS: It's really not that
3 big.

4 But, yeah. We're going to clarify
5 that, at the pinch points that I mentioned, the
6 two places; at the traffic control box and that
7 one sign, will be six feet, and everywhere else,
8 it will be at least eight and, most places,
9 beyond that.

10 THEODORE WILKINSON: Okay. With
11 regard to trash, you explained to the board how
12 the trash chutes would work. However, how are
13 you addressing recycles, which have to be
14 separate?

15 THE WITNESS: They will be
16 separated internally.

17 Right? That's the intent?

18 Yeah. There's going to be separate
19 containers in that loading area. It has room in
20 it for multiple Dumpsters, and one will be
21 segregated for recycling.

22 THEODORE WILKINSON: So, how would
23 the apartment owner take their trash out and
24 keep their recycles separate?

25 THE WITNESS: You know, two chutes.

1 JENNIFER SMITH: I'm going to ask
2 Tom, maybe, to answer that one.

3 THOMAS SYKES: The same way. Yes.
4 The same way down below, but they will have to
5 take their recycling to the recycling location.

6 It would be at the trash drop at
7 each --

8 Each building has its trash drop.

9 THEODORE WILKINSON: Okay.

10 THOMAS SYKES: The tenant would
11 take their recycling to that trash drop so
12 there's no glass going down or any --

13 THEODORE WILKINSON: So, they can't
14 use the chute for recycles.

15 THOMAS SYKES: They should not use
16 the chute for recycles.

17 THEODORE WILKINSON: So, how far
18 will they have to walk to get rid of their
19 recycles?

20 THOMAS SYKES: It's all internal in
21 each of their buildings. Unless you want them
22 to, I guess.

23 It's all internal in each of their
24 buildings. A maximum walkway would be half the
25 length of the building; 175 feet, 170 feet,

1 something like that.

2 THEODORE WILKINSON: So, if I'm up
3 on the fourth floor and I need to get rid of my
4 trash, I can drop it down the chute.

5 THOMAS SYKES: Yes.

6 THEODORE WILKINSON: Where am I
7 going to take my recycle bag?

8 THOMAS SYKES: Recycling would go
9 to that location where that trash bag drops to.
10 There will be access for recycling in there.

11 THEODORE WILKINSON: So, they can't
12 drop --

13 JASON SCIULLO: Can I just speak to
14 him?

15 THEODORE WILKINSON: Sure.

16 JENNIFER SMITH: If you don't mind,
17 I can swear in --

18

19

20

21 OMAR MANSOUR,

22 having been duly sworn in by Scott
23 Collins, Esquire, was examined and
24 testified as follows:

25

1 THE WITNESS: Just to answer this
2 question. Typically, what could be done as well
3 is, in the same room on every floor -- not on
4 the main floor -- we will provide a recycling
5 box that the maintenance person will take
6 downstairs rather than people walking.

7 So, we -- we could address it --

8 THEODORE WILKINSON: Perfect.

9 THE WITNESS: -- the same way.

10 THEODORE WILKINSON: Thank you.

11 JENNIFER SMITH: And just for the
12 record, Mr. Mansour works for the development
13 company that is the applicant.

14 THEODORE WILKINSON: Regarding the
15 Block 133, all this green area below the
16 parking, --

17 JASON SCIULLO: Yes.

18 THEODORE WILKINSON: -- what are
19 your intentions for restoring that area and
20 maintaining grass cover, irrigation, so forth?

21 JASON SCIULLO: The -- the lower
22 areas that are out there will be renovated so
23 that they drain properly. It will be seeded.
24 It won't be irrigated because we do plan to
25 develop it in the future. We don't want to have

1 to go in and tear stuff back up.

2 The grass cover that's out there,
3 short of the walking paths that people have
4 created, has -- has made it. It's sustained.
5 So, we anticipate that it will naturally hang on
6 and be a decent cover for the foreseeable
7 future.

8 LANCE LANDGRAF: But, you will
9 maintain it and cut the grass.

10 JASON SCIULLO: Yeah. It will be
11 cut. Oh, yeah.

12 THEODORE WILKINSON: The type of
13 fencing proposed along the lower lot, you have a
14 decorative aluminum -- alumi/steel fencing with
15 a Dorian look, pointed section at the top. And
16 then on the bottom sides and the -- and the
17 sides themselves you're just going with a chain
18 link fence?

19 JASON SCIULLO: Those three sides.
20 Yep.

21 THEODORE WILKINSON: Yes.

22 We would ask you to discuss with
23 the board, you know, possibly improving the --
24 the decorative fence around all four sides.

25 JASON SCIULLO: Well, we -- we want

1 to just understand that the --

2 Well, as we said before, there's --
3 there's intent to come back and -- and do a
4 different type of development on this site,
5 where we wouldn't need that fence moving
6 forward, where we, hopefully, would have the
7 commercial buildings around it. The --

8 It's going to be temporary in some
9 form, no matter what we do. And it's a lot less
10 costly. And -- and we'd rather go with the
11 chain link for the purpose of knowing that it's
12 temporary.

13 But, if it's the CRDA's position
14 that you have to have it in the event nothing
15 happens on the site, we'll -- we'll agree if --
16 if it's going to be stipulated as a condition.

17 LANCE LANDGRAF: The concern is --
18 and this was one of my things I brought up --

19 JASON SCIULLO: Yeah.

20 LANCE LANDGRAF: -- with our staff.
21 If -- maybe if we could landscape
22 it a little bit more. I don't know.

23 First of all, it's a long run
24 across that --

25 Is that Delaware?

1 JASON SCIULLO: Delaware. Yeah.

2 It's Delaware.

3 LANCE LANDGRAF: Delaware Avenue.

4 That back side is -- is just a long
5 run.

6 JASON SCIULLO: We can certainly
7 landscape it.

8 LANCE LANDGRAF: Okay.

9 JASON SCIULLO: That's -- that's
10 something we'll agree to do. Absolutely.

11 LANCE LANDGRAF: And is it --
12 It's black?

13 JASON SCIULLO: Black vinyl coated
14 chain link.

15 LANCE LANDGRAF: It's a smaller
16 chain link box.

17 JASON SCIULLO: The one inch mesh.
18 Okay. I can't remember what we spec'd.

19 LANCE LANDGRAF: You can climb --
20 you can climb anything, but if --

21 It's smaller squares, I guess you
22 would say.

23 JASON SCIULLO: You can climb a
24 decorative fence just as easily.

25 So, yeah. But, yeah. We

1 understand what you're saying.

2 Yeah. It will be a smaller mesh.

3 ROSE ANN LAFFERTY: How long is
4 temporary?

5 JASON SCIULLO: We hope, as soon as
6 possible, but, realistically --

7 LANCE LANDGRAF: Yeah. There is no
8 answer to the question.

9 JASON SCIULLO: It depends on the
10 market. A couple years?

11 LANCE LANDGRAF: And that's our
12 concern; that that chain link becomes more of a
13 maintenance issue. If it stays for two, three,
14 four years, that's -- that's a concern we have
15 with it. Understanding there's a cost.

16 You know, it should be temporary.
17 Hopefully, it doesn't ever get put up. That --
18 that's the hope; that, by the time you're done
19 Phase I, you're ready to come in, you don't even
20 build that parking yet, you come in and you
21 build Phase II. And that's -- that's ideal.

22 JASON SCIULLO: Would you be
23 agreeable to a condition that if -- after the
24 fence is installed, if, after three to five
25 years, if it's not redeveloped with something

1 more substantial, that we replace the fence with
2 decorative fence?

3 LANCE LANDGRAF: I think that's
4 reasonable. I think that's reasonable. We can
5 discuss that. Okay.

6 JASON SCIULLO: And while we're
7 talking about that -- that block, I forgot to
8 mention.

9 In your review letter, Ted, the --
10 that bus shelter that's on the site on Pacific
11 Avenue, in the -- in the letter, it asked for an
12 agreement to allow it to remain. We intend to
13 relocate it at some point when we get the
14 redevelopment in the site.

15 So, we want to maintain flexibility
16 that it's either going to be accommodated
17 through an agreement or relocated to be outside
18 of the -- the property.

19 THEODORE WILKINSON: Okay.

20 Just one other issue I have was
21 trees. Tom's renderings showed proposed shade
22 trees around all four sides of the development,
23 but the landscape plans don't provide any
24 proposed trees. Could you explain that?

25 JASON SCIULLO: It's a

1 miscommunication on my end.

2 We'll provide the street trees. It
3 was intended to be there. They're --

4 Just to be clear, though, Atlantic
5 Avenue has a whole lot of stuff in the way.
6 We'll try to fit them in where we can.

7 Most places where they don't exist,
8 that's why; because there's so much in the way.

9 If you notice, on -- on the
10 Delaware frontage, there are trees there. You
11 can see the shadows of them there, but they're
12 actually behind the sidewalk because of all the
13 stuff in the sidewalk.

14 So, we'll do our best to fit them.
15 If we can fit smaller trees in the planters that
16 don't impede visibility and things, we'll --
17 we'll try that.

18 But, we -- we'll agree to do our
19 best to try to fit some trees in.

20 LANCE LANDGRAF: And you'll submit
21 a revised plan, and we can take a look at it.

22 JASON SCIULLO: Yes.

23 LANCE LANDGRAF: Okay.

24 JASON SCIULLO: Do you happen to
25 know --

1 I haven't looked at the plan in
2 detail. Are there street trees proposed as part
3 of the Pacific Avenue repave, the sidewalk
4 getting redone?

5 LANCE LANDGRAF: I don't believe
6 that I've seen --

7 We're -- we're having an issue with
8 trees and roots --

9 JASON SCIULLO: Well, it's a wind
10 tunnel up here. They get --

11 LANCE LANDGRAF: -- causing
12 problems with sidewalks.

13 JASON SCIULLO: They get beat.

14 LANCE LANDGRAF: So, we're --

15 JASON SCIULLO: They get beat.

16 LANCE LANDGRAF: -- we're working
17 on that plan now.

18 JASON SCIULLO: Okay. And we'll
19 work with you to figure out the right location
20 to put trees where we can.

21 LANCE LANDGRAF: Okay.

22 THEODORE WILKINSON: That's all I
23 have.

24 LANCE LANDGRAF: Okay. Christine,
25 do you have anything?

1 CHRISTINE COFONE: Yes.

2 Good morning.

3 Just a couple comments.

4 Do you want to swear me in again?

5 SCOTT COLLINS: You've been sworn
6 before --

7 CHRISTINE COFONE: Yes. I know.

8 SCOTT COLLINS: -- and have been
9 qualified as an expert planner.

10 CHRISTINE COFONE: Yes.

11 Good morning. For the record,
12 Christine Nazzaro Cofone.

13 I think, if we haven't done so
14 already, we should probably mark the joint
15 review letter that my office, together with
16 Adams, Rehmann & Heggan, issued, dated October
17 31st of 2014.

18 I thank you both for your -- for
19 your comprehensive presentations this morning.
20 It means you acknowledge, in that review letter,
21 that this is a permitted use within the urban --
22 the uptown urban redevelopment plan that is
23 seeking no variance relief.

24 I just --

25 And I think the outdoor amenities

1 that you're proposing --

2 The garden boxes, I've always liked
3 those. I always thought that that was a neat
4 site feature.

5 I remember, early on, in some of
6 our pre-app meetings, we discussed some internal
7 spaces for meeting and whatnot or for
8 recreation. Is it your intention -- and I -- I
9 know that the -- you might not have all the --
10 the interior layouts done, but is it your
11 intention to still have something like that
12 on-site --

13 THOMAS SYKES: Yeah.

14 CHRISTINE COFONE: -- for the
15 community?

16 THOMAS SYKES: Yes. Very much.

17 So, we could bring them up, but we
18 do have a gymnasium --

19 CHRISTINE COFONE: Okay.

20 THOMAS SYKES: -- inside on a loft
21 area.

22 CHRISTINE COFONE: Right.

23 THOMAS SYKES: We have the whole
24 pool deck. We have common rooms. Part of the
25 Atlantic Avenue frontage is a common room for

1 recreation.

2 CHRISTINE COFONE: Okay.

3 THOMAS SYKES: Or if one of the
4 tenants wanted to have a party, that could be
5 where it was.

6 CHRISTINE COFONE: Great.

7 THOMAS SYKES: And that's bordered
8 by a sales office, for control and management.

9 CHRISTINE COFONE: Good. I think
10 that will be a nice, safe feature as well.

11 And, Jay, if we could just clarify.
12 I know you testified that you would be seeking
13 approval from the city for any structures in the
14 right-of-way and I know that the redevelopment
15 plan was amended to allow for the structure to
16 go ten-foot into the setback. So, it's your
17 position that the redevelopment plan does not
18 give you specific statutory authority to place
19 structures in the right-of-way, or are you
20 saying that you think it does? Can you just --

21 JASON SCIULLO: Well, it --

22 CHRISTINE COFONE: -- put some
23 testimony on the record as to the mechanism
24 that's going to allow you to have structures;
25 planter boxes, steps, et cetera, in any of the

1 right-of-ways?

2 JASON SCIULLO: Okay. To be clear,
3 the -- no -- none of the base zoning anywhere in
4 town allows it specifically.

5 In other locations where we have
6 encroachments into the city right-of-way,
7 whether it be a sign overhang, a planter,
8 whatever, we get a license agreement, ground to
9 sky, from the city.

10 The Walk has it. We mentioned that
11 one as an example.

12 CHRISTINE COFONE: Right.

13 JASON SCIULLO: There's a lot of
14 signs that hang over. There's a lot of planters
15 as well. So, that's --

16 The premise of this is the same
17 agreement that was directed for that type of
18 development would be done here.

19 CHRISTINE COFONE: Okay. Fair
20 enough.

21 Again, thank you both for your
22 presentations this morning.

23 JASON SCIULLO: Thank you.

24 LANCE LANDGRAF: Just to be clear,
25 and I guess it's on page --

1 ROSE ANN LAFFERTY: 3.

2 LANCE LANDGRAF: -- page 3 of the
3 -- the joint planner and engineer report, there
4 are some items that you've agreed to submit; an
5 updated survey was -- a couple signed and sealed
6 copies, things of that nature.

7 JASON SCIULLO: That's right.

8 LANCE LANDGRAF: But, there's items
9 listed as -- as item 21 in the checklist items,
10 C, E, I, and O.

11 JASON SCIULLO: Yeah.

12 LANCE LANDGRAF: I think it was
13 just an updated survey is what we need, is what
14 we're looking for.

15 JENNIFER SMITH: And that can be
16 provided.

17 LANCE LANDGRAF: Okay.

18 I just had a couple of questions or
19 clarifications that -- that came up in
20 testimony. I just want to go through them real
21 -- real quick.

22 And Ted brought it up with regard
23 to the parking meters on Atlantic Avenue. When
24 you go to talk to the city about your licensing,
25 can you talk to them about maybe putting a kiosk

1 there instead of those meters?

2 JENNIFER SMITH: We could certainly
3 bring it up.

4 LANCE LANDGRAF: It will clean up
5 that -- that streetscape there.

6 JENNIFER SMITH: Yeah. We can
7 bring it up. I don't know if that is a
8 condition of approval.

9 LANCE LANDGRAF: That's all --
10 that's all we can ask at this point. That's --

11 JENNIFER SMITH: Yeah. But, we
12 could certainly bring it up and bring it to
13 their attention.

14 LANCE LANDGRAF: And we will, too.

15 JENNIFER SMITH: Okay.

16 LANCE LANDGRAF: The relocated bus
17 shelter. As you pull that back into your kind
18 of landscape feature, that will be an open
19 structure. I'm mainly concerned about security;
20 that it's not closed in. You'll be able to see
21 through the top of it is what --

22 Similar to what it is now, but
23 pulled back in.

24 JASON SCIULLO: Yeah. This section
25 cut.

1 Remember, this bus shelter is going
2 to be whatever it is, six or eight foot tall.

3 LANCE LANDGRAF: Right.

4 JASON SCIULLO: And you can see
5 that the first two tiers of the wall is where
6 that's going to tuck in.

7 LANCE LANDGRAF: Right.

8 JASON SCIULLO: So, the sides and
9 the top or the -- you know, we'll call it the
10 top, but the upper half of it will be open and
11 it will be glass.

12 LANCE LANDGRAF: Right.

13 JASON SCIULLO: Yeah. We're not
14 going to tuck it into a full height wall or
15 anything.

16 LANCE LANDGRAF: Good. Or put
17 solid walls on the back and side.

18 JASON SCIULLO: No. That's not the
19 intent.

20 LANCE LANDGRAF: Good.

21 You already mentioned talking about
22 signs in a pedestrian route to discourage the
23 mid-block crossings. Are you going to put some
24 kind of signage on there?

25 JASON SCIULLO: We are.

1 JENNIFER SMITH: I'm sorry. Just
2 to clarify on the bus shelter, you know, if we
3 have any pushback from the city about moving it,
4 you know --

5 It's our intent to move it. We
6 think it will look better if it's moved.

7 LANCE LANDGRAF: Agreed.

8 JENNIFER SMITH: We just want to
9 clarify. If they don't allow us to move it,
10 then, obviously, --

11 LANCE LANDGRAF: Understood.

12 JENNIFER SMITH: -- it will have to
13 stay where it is.

14 LANCE LANDGRAF: Understood.

15 JASON SCIULLO: And we'll work our
16 -- our wall around it to provide clear space to
17 walk by it.

18 LANCE LANDGRAF: Okay. If you
19 can't move it, you'll move the wall back. That
20 meets our demands.

21 Okay. There's one parking space
22 that --

23 JASON SCIULLO: You mentioned this
24 to me, and I forgot.

25 LANCE LANDGRAF: Yeah.

1 Can you bring up the site plan?

2 JASON SCIULLO: We're going to
3 paint it for you.

4 LANCE LANDGRAF: No. You're going
5 to remove it. You're going to remove it.

6 JASON SCIULLO: Where is it?

7 LANCE LANDGRAF: All the way up
8 top. Right there.

9 JASON SCIULLO: That right there?

10 LANCE LANDGRAF: Yep. There's a
11 parking space right after that stop sign with a
12 straight run of curb that is going to last about
13 a week.

14 So, just -- just bring a radius
15 around. You don't need the one parking space.

16 JASON SCIULLO: Okay. I didn't
17 realize it was --

18 LANCE LANDGRAF: Yeah.

19 JASON SCIULLO: Okay.

20 LANCE LANDGRAF: Probably when --
21 before you had the parking across the street,
22 you were trying to get as many as you could.

23 JASON SCIULLO: I think there might
24 have --

25 Yeah.

1 LANCE LANDGRAF: It's just not a
2 good location for a parking space.

3 JASON SCIULLO: All right. So,
4 then we have 517 now --

5 LANCE LANDGRAF: Okay.

6 JASON SCIULLO: -- instead of 518.

7 LANCE LANDGRAF: All right. Did
8 you submit copies to the city engineer for their
9 --

10 JASON SCIULLO: Yes. That was
11 requested as part of the submission, and we did.

12 LANCE LANDGRAF: Okay. We didn't
13 get any comments from them?

14 JASON SCIULLO: I haven't heard
15 anything, no.

16 LANCE LANDGRAF: Okay. The retail
17 parking. You're, basically, going to rely on
18 on-street, is what you indicated?

19 JASON SCIULLO: Yes.

20 LANCE LANDGRAF: Okay. And that's
21 all I -- those are the only questions I came up
22 with.

23 Anything else from you guys?

24 CHRISTINE COFONE: No.

25 LANCE LANDGRAF: I'll get back to

1 my script here, it's been so long since I looked
2 at it.

3 Anything else from -- from our
4 panel here?

5 CHRISTINE COFONE: No.

6 LANCE LANDGRAF: Anything from you
7 guys before I open it up to the public?

8 JENNIFER SMITH: No. I think that
9 -- that's it from us.

10 I mean, obviously, you've heard
11 about --

12 We think it's a great project. We
13 think it's a great use of land that's been
14 vacant for 50 years.

15 And I think that we've answered all
16 of the questions that were in the review letter.

17 LANCE LANDGRAF: You've done a nice
18 job in addressing a lot of concerns. Thank you.

19 We can open the meeting to the
20 public.

21 Please come up, state your name,
22 provide your questions or comments. We welcome
23 you to participate.

24 Yes, sir, come on up.

25 MALE MEMBER FROM THE AUDIENCE: I'm

1 Bruce Evans and I'm an Atlantic City resident.

2 And I support this project. I
3 think it's good.

4 LANCE LANDGRAF: Okay. Thank you
5 for your comments.

6 MALE MEMBER FROM THE AUDIENCE:
7 William Ruffin, from Atlantic City.

8 And I support the project also.

9 And you did a heck of a
10 presentation.

11 JASON SCIULLO: Thank you, sir.

12 MALE MEMBER FROM THE AUDIENCE: I
13 love the way you handled --

14 JASON SCIULLO: It started out kind
15 of rough, but --

16 MALE MEMBER FROM THE AUDIENCE: You
17 did great, man.

18 LANCE LANDGRAF: That's staged.
19 Come on.

20 Yes, sir.

21 MALE MEMBER FROM THE AUDIENCE:
22 Michael Stiteler. I'm an Atlantic City
23 resident.

24 And I support the project. I'm for
25 it all the way.

1 LANCE LANDGRAF: Okay. Thank you.

2 Anyone else?

3 MALE MEMBER FROM THE AUDIENCE: Me.

4 LANCE LANDGRAF: Yes, sir.

5 MALE MEMBER FROM THE AUDIENCE:

6 Good morning. Tyree Montague. I was born and

7 raised in Atlantic City and lived in Stanley

8 Holmes Village for a long time.

9 I definitely support the project.

10 I'm a member of the union, 255 carpenters, and I

11 definitely would love to help build it. And

12 anything we could build for people to live in or

13 work in, it definitely makes me feel good. And

14 I definitely support the project, like I said.

15 Hopefully, I could get to build it, too.

16 LANCE LANDGRAF: You dropped your

17 pen, sir.

18 MALE MEMBER FROM THE AUDIENCE: All

19 right. Thank you.

20 MALE MEMBER FROM THE AUDIENCE: My

21 name is Robert Boyce. I am not a resident of

22 Atlantic City, but I'm a -- I'm a recording

23 secretary for Local 255, and we have an office

24 here; 26 South New York Avenue.

25 And I'd just like to -- everyone to

1 know that I did go to New Brunswick and meet
2 with the Boraie Group, Waseem and Omar Boraie,
3 and I think they have great vision here.

4 And, obviously, we know -- everyone
5 here knows that the city does need this and a
6 lot more projects like it. And it is my hope
7 that they -- they throw the anchor out here with
8 this project and keep on going, which is what
9 they've indicated to me that they would like to
10 do; more projects than just this one and leave
11 town.

12 They've done great things in New
13 Brunswick and I'm hoping they'll do the same
14 thing here in Atlantic City.

15 Thank you.

16 LANCE LANDGRAF: Thank you.

17 MALE MEMBER FROM THE AUDIENCE: All
18 right, Rob.

19 How are you doing? My name is
20 Nigel Frasier. I -- I no longer live in
21 Atlantic City, but I was born and raised here.
22 I grew up in the inlet and I walked through that
23 lot many times through my lifetime, and it --
24 it's been an empty lot as long as I can
25 remember.

1 So, to see this project proposed,
2 it makes me happy to see things being done. And
3 I definitely support the project.

4 I'm also a member of Local 255, and
5 I hope to get a job there as well.

6 LANCE LANDGRAF: All right. Thank
7 you.

8 MALE MEMBER FROM THE AUDIENCE: My
9 name is Ray Gibbs. I'm the owner of GFS
10 Construction Enterprise, in Atlantic City. I
11 was born and raised in Atlantic City. 32 years
12 in the carpenters local. Also, I had a chance
13 to do a lot of work for CRDA back in the past.
14 I was one of the contractors on the Revel
15 casino.

16 And I -- I love the project and,
17 hopefully, I can be part of the project.

18 LANCE LANDGRAF: Thank you.

19 Anyone else?

20 ROSE ANN LAFFERTY: And have you
21 all signed in? If you haven't, please --

22 There's a sign-in sheet. If you
23 would sign your name and address.

24 LANCE LANDGRAF: Okay. If there's
25 no one else that wants to speak, we'll bring it

1 back to the -- to the board.

2 Any further comments?

3 Are you guys comfortable with what
4 was addressed?

5 CHRISTINE COFONE: Yes. Thank you.

6 LANCE LANDGRAF: I think we've
7 addressed pretty much what was in the report.

8 If there's nothing else, Jennifer.

9 JENNIFER SMITH: No. That's it.
10 That's our entire presentation.

11 And again, we're seeking both
12 preliminary and final site plan approval today.

13 LANCE LANDGRAF: Okay. We'll take
14 this. We'll prepare a hearing officer report.
15 You'll get a copy of that. We'll present that,
16 hopefully, at our next board meeting. Well, not
17 next week's meeting -- I don't know if we may
18 have done that --

19 SCOTT COLLINS: Yeah. Next month.

20 LANCE LANDGRAF: -- at our next
21 month's board meeting, in December.

22 It will be on that agenda.

23 And thank you. I think you've
24 addressed most of our concerns. I appreciate
25 the effort you did, put together.

1 And that's it. I close the
2 hearing.

3 Our next hearing will be November
4 20th, at 10 a.m.

5 Thank you.

6
7 (This public hearing concluded at
8 11:38 a.m.)

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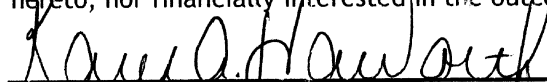
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