

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

SCHIFF ENTERPRISES

SEEKING PRELIMINARY AND FINAL SITE PLAN APPROVAL

AND BULK VARIANCE(S)

BLOCK 53, LOT 14

1401 Boardwalk, Atlantic City, NJ

Thursday - May 3, 2018

Public hearing in the
above-referenced matter, taken at the CASINO



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1 REINVESTMENT DEVELOPMENT AUTHORITY, 15 South
2 Pennsylvania Avenue, Atlantic City, New Jersey,
3 before Karen A. Haworth, a New Jersey Certified
4 Court Reporter (CCR), nationally certified
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6 nationally certified Certificate of Merit holder
7 (CM), nationally certified Certified Realtime
8 Reporter (CRR), a Delaware Certified Shorthand
9 Reporter (CSR), nationally certified Certified
10 LiveNote™ Reporter (CLR), and Notary Public of
11 the State of New Jersey, on the above date,
12 commencing at 10:00 A.M., there being present:
13
14
15

16 APPEARANCES:

17 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

18

19 LANCE B. LANDGRAF, JR.

Chairman

20 Director, Planning Department
21

22

22 ROBERT L. REID

Land Use Enforcement Officer
23
24
25

1 ALSO PRESENT FROM CRDA :

2

3 HEATHER WALLS
Project Officer

4

5

6

7 PROFESSIONALS TO THE BOARD FOR THIS HEARING :

8

9 SCOTT G. COLLINS, ESQUIRE
RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

10

11 WILLIAM M. ENGLAND, PE, PP, CME, CPWM
ADAMS, REHMANN & HEGGAN

12

13 JUSTIN E. AUCIELLO, PP, AICP
COFONE CONSULTING GROUP

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1 COUNSEL FOR THE APPLICANT:

2

3 GEORGE K. MILLER, JR., ESQUIRE

GEORGE K. MILLER, JR. LAW OFFICE

4

5

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7 PROFESSIONALS FOR THE APPLICANT:

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9 DAVID J. FLEMING, PE

Marathon Engineering

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11 KAREN INGRAM

Landscape Architect

12 Marathon Engineering

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I N D E X

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WITNESS(ES)

PAGE NO.

DAVID J. FLEMING

14

EXHIBITS MARKED AND/OR REFERRED TO:

A-1

A-2

A-3

A-4

A-5

A-6

B-1

1 (Time noted: 10:00 A.M.)

2

3 LANCE LANDGRAF: We're going to get
4 started.

5 I'll call the Land Use Regulation
6 and Enforcement Division hearing on May 3rd to
7 order.

8 Will everyone please rise for the
9 Pledge of Allegiance?

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

12 LANCE LANDGRAF: Thank you.

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

16 We have one item on today's agenda.
17 It's application number 2017-06-2215, Schiff
18 Enterprises, at 1401 Boardwalk, Block 53, Lot
19 14, in the Resort Commercial District.

20 Rob, do we have just --

21 ROBERT REID: Yes.

22 LANCE LANDGRAF: Do we have notice,
23 proper notice?

24 ROBERT REID: For the record, I've
25 reviewed the Proof of Service provided by the

1 applicant, and we have jurisdiction to hear the
2 application.

3 LANCE LANDGRAF: Okay. We have
4 Mr. Miller here.

5 George, do you want to explain what
6 your client wants to do?

7 GEORGE MILLER: Yep. My name is
8 George Miller. I'm an attorney, at 26 South
9 Pennsylvania Avenue, Atlantic City.

10 The applicant would propose -- when
11 the application was originally filed, they would
12 propose taking down the temporary trailers in
13 this portion of the platform in order to
14 expedite the project. (Indicating.) And
15 through conversations with staff, we had taken
16 it down prior to the summer. So, Phase I is
17 completed.

18 We are then proposing two other
19 phases.

20 Phase II would be a platform of
21 just under 12,000 square feet to fill in this
22 space. (Indicating.)

23 You will notice that, in this
24 particular area, we have the arcade building,
25 which is right to the Boardwalk, right to the

1 sidewalk. So, it's sidewalk-to-sidewalk,
2 Boardwalk, back to the street.

3 And in this property that the
4 Schiffs own a portion of, this is down a little
5 further. (Indicating.) It's Ripley's. And
6 again, this is right -- the property line to
7 property line.

8 LANCE LANDGRAF: George, why don't
9 you identify what you're pointing to there?

10 GEORGE MILLER: This is, in the
11 application, not colored.

12 We can mark it A-1, if you'd
13 prefer.

14 LANCE LANDGRAF: Okay.

15 SCOTT COLLINS: Let's mark the
16 application, itself, A-1.

17 GEORGE MILLER: Okay.

18 SCOTT COLLINS: And anything new
19 that you reference that's not in there, --

20 GEORGE MILLER: Okay.

21 SCOTT COLLINS: -- we'll go from
22 there.

23 So, we'll call this A-2.

24 GEORGE MILLER: Okay. A-2.

25 And then we have --

1 DAVID FLEMING: Can I mark that
2 that fast? (Indicating.)
3 GEORGE MILLER: Why don't we mark
4 everything?
5 DAVID FLEMING: Okay. A-1 --
6 (Indicating.)
7 LANCE LANDGRAF: And just identify
8 them.
9 GEORGE MILLER: Yeah. As we go
10 through.
11 LANCE LANDGRAF: Yeah.
12 DAVID FLEMING: This will be
13 Phase II, the platform. (Indicating.)
14 LANCE LANDGRAF: Okay.
15 DAVID FLEMING: A-3?
16 LANCE LANDGRAF: Sure.
17 DAVID FLEMING: This is a schematic
18 of the general layout of the platform.
19 (Indicating.) So, it's companion -- it's part
20 of Phase II.
21 LANCE LANDGRAF: Okay.
22 DAVID FLEMING: So, A-4. And we
23 can go through that in more detail and explain
24 what's going on.
25 And then the ultimate improvement

1 on top of the A-2 -- of the Phase II platform
2 would be a future one-story building, commercial
3 building.

4 I think we're up to 5? Am I up to
5 5?

6 GEORGE MILLER: And we actually
7 provided a handout, a smaller version.

8 LANCE LANDGRAF: Okay. Good.

9 KAREN INGRAM: Oh. That would be
10 the last one.

11 GEORGE MILLER: Yeah. In the
12 review comment. The cupola.

13 Essentially, what we were thinking
14 --

15 LANCE LANDGRAF: Oh. Just a sample
16 entrance. Okay.

17 GEORGE MILLER: Yeah. Exactly.

18 LANCE LANDGRAF: I'm like, there's
19 not a pond out there. So...

20 GEORGE MILLER: Yeah.

21 And for further housekeeping, in
22 the review comments, we were asked for the CAFRA
23 approval and the Zoning Board approval for the
24 temporary use, which we did enclose and I left
25 on -- a copy on everybody's desk.

1 LANCE LANDGRAF: Okay. It's from

2 --

3 GEORGE MILLER: Yes.

4 LANCE LANDGRAF: This is a letter
5 dated August 5th, 2005, from Brian Callaghan's
6 office.

7 GEORGE MILLER: Yes.

8 LANCE LANDGRAF: And it's a copy of
9 Resolution Number 53 of 2005 from the Zoning
10 Board of Atlantic City.

11 A-6, do you want to mark that?

12 SCOTT COLLINS: Yeah.

13 LANCE LANDGRAF: Okay. And then
14 there's a DEP -- it looks like that's the CAFRA
15 permit --

16 GEORGE MILLER: Yes.

17 LANCE LANDGRAF: -- attached to
18 that.

19 That's in that same package. It
20 can stay as A-6?

21 SCOTT COLLINS: Okay.

22 LANCE LANDGRAF: And that is dated,
23 it looks like, November 23rd, 2005. And that
24 expired on the same date, 2010.

25 All right. Okay. Thank you.

1 Mr. Miller.

2 GEORGE MILLER: Thank you.

3 As you'll hear later on in the
4 testimony, we do need one variance, for
5 impervious cover, but as you will note,
6 particularly, both buildings on the side is up
7 and down the Boardwalk. Almost every building
8 is property line to property line and on the
9 Boardwalk.

10 There are some initial comments
11 with regard to the review with the way that we
12 would connect to the Boardwalk, and we're going
13 to modify that consistent with the review
14 comments. We'll just make it flush to the
15 Boardwalk as -- as opposed to having a little
16 step up or a piece up. So, we will submit
17 amended plans and show that on the new plans,
18 and you'll hear about that today.

19 So, I did a lot of tax appeal work
20 in this area and so does everybody else, and
21 both the city and the applicants have all called
22 this, unfortunately, the dead area. There's
23 nothing here. There's nothing been here for a
24 long time.

25 And we believe that this is

1 consistent with your regulations, the fill-in.
2 What was these temporary trailers, take those
3 off, move them away. Expand this area back for
4 almost 12,000 square feet, and try to make this
5 a more vibrant pedestrian-friendly area.

6 Now with both properties opening
7 and Resorts doing well, we're hoping to see a
8 lot more traffic between Bally's, Caesars and
9 Resorts, Hard Rock, and the old Revel. So,
10 we're hoping this becomes a very active
11 pedestrian area.

12 We are fortunate enough, which is
13 detailed in the -- in the memo and on the plan
14 -- we are fortunate enough to have parking to
15 support whatever we would do here. It's kind of
16 a -- the novelty for the -- the restaurant and
17 the bar area.

18 We've actually taken a look at
19 what's happened down at California Avenue and
20 that they've been very successful in bringing
21 people to the Boardwalk and to the beach. And
22 we're hoping to somewhat mimic that and get
23 people coming from offshore, into town, where
24 they could park and go to the Boardwalk.

25 At this time, then, I would bring

1 Dave up, our engineer, to go through the boards
2 and through the project -- and through the new
3 plans.

4 DAVID FLEMING: Okay. Dave
5 Fleming, of Marathon Engineers.

6 LANCE LANDGRAF: Good morning.

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

10 DAVID FLEMING: I do.

11 SCOTT COLLINS: Thank you.

12

13

14

15 DAVID J. FLEMING,

16 sworn.

17

18 LANCE LANDGRAF: And I've worked
19 with Dave before. I've known his history. He's
20 a licensed engineer in the State of New Jersey.
21 And I'll accept him as an expert in that field.

22 SCOTT COLLINS: In engineering, --

23 DAVID FLEMING: Yeah.

24 SCOTT COLLINS: -- professional
25 engineering?

1 DAVID FLEMING: Yeah.

2 LANCE LANDGRAF: Planning as well,
3 Dave?

4 DAVID FLEMING: No. I'm not a
5 planner. Thirty years engineer, licensed
6 engineer. I've been doing this for 35. So,
7 there's some associations over the years. I see
8 some on the board today.

9 Just to follow-up on the -- what
10 George already said, the Phase I demolition was
11 complete. The temporary platform that was
12 built, you know, a dozen years or so ago is --
13 has now been removed.

14 The lot area of the entirety of the
15 property is a little bit over two acres. I
16 think it's 2.05, technically. And it contains
17 -- I believe it's 144 spaces in that area.

18 The immediate Phase II project,
19 which the demolition has set the stage for,
20 would be the construction of a concrete
21 platform. That concrete platform would be a
22 real structure that would be supported on piles
23 built underneath and would support the future
24 development Phase III one-story building.

25 So, to some degree, the platform,

1 again, is the essential structure, and on top of
2 that, we build the building in Phase III.

3 But, Phase -- Phase II, as you're
4 aware, is a platform and conceptual -- the
5 conceptual layout of that --

6 I may have to touch on, that could
7 be filled and -- you know, with a concrete wall
8 around it so there will be no access underneath
9 of the building, and it would be -- it would be
10 a complete structure from the ground up and --
11 with no space underneath.

12 Phase II, when we were marking the
13 exhibits, we briefly showed this schematic
14 detail of -- of the uses that would occur on the
15 platform.

16 It's segregated into a family
17 amusement area to, generally, the north, towards
18 Tennessee Avenue, and the bar/restaurant, you
19 know, that's oriented towards, you know,
20 Saint James Place.

21 I think the -- the neighbors are
22 shown -- or excuse me -- the area is shown on
23 the plan, but the depiction here is a 6,600
24 square foot restaurant and bar area and -- and a
25 family amusement area, which would comprise

1 5,300 square feet.

2 As it's oriented, obviously, based
3 upon the type of use, we would have -- there
4 would be decorative planters around the
5 perimeter, but on the family amusement, it's a
6 little more free access. Obviously, you know,
7 your -- you have something you might make it
8 easy to walk in. You know, you see -- you see,
9 you know, something that -- in there that -- you
10 know, that -- that interests you, and -- and you
11 don't want to make a big impediment.

12 So, it's -- it's a -- it's a, you
13 know, very open floor plan like arrangement with
14 the various, you know, vendor areas situated
15 along, generally, the perimeter.

16 The bar/restaurant area, obviously
17 -- and, you know, as George had mentioned, the
18 beer garden facility, which I have visited, is
19 very nice, by the way. And, you know, to some
20 degree, we would mimic that with this proposal,
21 as George had mentioned. This -- this would be
22 just like that facility, have more --

23 You have to have access control due
24 to the -- to the -- to the liquor license
25 requirements.

1 So -- so, this area would have,
2 again, more planters, a more defined entrance,
3 if you will, and, you know -- you know, a
4 security -- security fence to -- to control
5 access to meet those requirements.

6 Lighting, the lighting will be,
7 whether on both sides, would be overhead string
8 wire -- lighting in conjunction with, you know,
9 lighting as part of the individual vendor areas,
10 whether it be the bar area or whether it be --

11 All those would, obviously, have
12 power and their -- and their own lighting. But,
13 the general area for seating and other
14 circulation would be by, you know, string
15 lighting, which we showed those details on the
16 plans.

17 So, that's, essentially --

18 From the zoning standpoint, you
19 know, we talked about that; that this is
20 consistent with the proposed zone.

21 And -- and, of course, the goal, as
22 any -- any business, is to try to increase the
23 traffic in the area. And I think that meets the
24 -- the intent or -- of what the CRDA and the
25 city are trying to do, and I think it --

1 hopefully, that, you know, would be the -- a
2 little asset.

3 From the other zoning criteria,
4 where the zone has a maximum impervious area of
5 80 percent as the requirement, historically,
6 this facility -- or these properties have been
7 close to be a hundred percent.

8 This proposal does require a
9 variance from that -- that criteria. We're
10 proposing 88 percent coverage criteria. That
11 actually holds true once we build the trap out
12 of the platform, and it would hold true relative
13 to the future commercial -- one-story commercial
14 building -- one-story commercial building.

15 So -- so that that would be --
16 again, hold -- once Phase II is constructed,
17 that would be the extent of the impervious
18 coverage.

19 Phase III, which we talked about,
20 is the construction on the platform of the
21 one-story. This is, obviously, not planned this
22 year. Hopefully -- you know, you can certainly
23 hope that this is -- this is implemented.

24 We have a general detail of what
25 this is going to look like, a detail of

1 architectural, and some of those elements, and
2 we plan for water and sewer and -- and access
3 and, you know, all that.

4 There are some nuances. As -- as
5 we all know in this -- in this business, where
6 we -- we don't actually have the final design,
7 and we -- we seek to have those as a condition
8 of approval when this -- this Phase III moves to
9 -- prior to construction, that there would be a
10 supplemental submission at that time with the
11 architectural plans more fully developed and
12 what -- what little detail we need to add to the
13 site plan.

14 The intent would be that this site
15 plan supports that -- those plans to a large
16 degree and the things that we may be talking
17 about would be, you know, tweaks to doorway
18 locations and, you know, maybe even the bathroom
19 would shift a few feet. You know, and those
20 types of things always happen in a final design.
21 And the intent would be to provide that detail
22 at that time.

23 So, those are the highlights.

24 I'm going to drop down to just this
25 plan as we start the comment, you know, go

1 through that. If that's your procedure, I'll
2 just walk through, you know, the comments, if
3 that works for you guys, or do you ask questions
4 at this point? I just want to make sure I
5 follow your procedure.

6 LANCE LANDGRAF: Why don't we go
7 through some questions first, --

8 DAVID FLEMING: Yep.

9 LANCE LANDGRAF: -- and then maybe
10 we can speed it up by having our consultants go
11 through any questions they have on their report.

12 DAVID FLEMING: Whatever format
13 works. Whatever works.

14 LANCE LANDGRAF: So, I've got a few
15 questions.

16 The first one is, what's the time
17 frame of Phase II being implemented?

18 GEORGE MILLER: If you can give us
19 the permit today, we're prepared to start today.

20 LANCE LANDGRAF: Okay. It will
21 take a little bit longer than that, but we'll
22 work with you the most we can.

23 DAVID FLEMING: We have a change of
24 clothes in the car.

25 LANCE LANDGRAF: Yeah. Yeah.

1 Right. George is out there, banging nails.

2 GEORGE MILLER: Not me. I'd bang
3 my thumb off. But...

4 LANCE LANDGRAF: So, that's --

5 GEORGE MILLER: Yeah.

6 LANCE LANDGRAF: -- immediate.

7 Okay. Good.

8 GEORGE MILLER: Yeah. It's
9 self-funded. The Schiffs are ready to go.

10 LANCE LANDGRAF: Okay. Good.

11 Second: The vendor trailers.

12 They're --

13 Do we have an idea of what they're
14 going to look like, from a standpoint --

15 I mean, I know what's been out
16 there, historically. We're trying to move
17 forward from that a little bit. I mean, there's
18 really some -- some neat ideas with a lot of
19 these trailers nowadays, these shipping
20 containers, that people are getting into. And
21 it's -- it works very well for especially
22 temporary use that may be here for a little
23 while.

24 GEORGE MILLER: I'll tell you what
25 Abe and Bob's plan is. What they have learned

1 is they went down and saw what the guy did on
2 California Avenue.

3 LANCE LANDGRAF: Mmm-hmm.

4 GEORGE MILLER: And he did a really
5 good job.

6 LANCE LANDGRAF: Yep.

7 GEORGE MILLER: And because he did
8 a good job, he built it and they came.

9 LANCE LANDGRAF: Right.

10 GEORGE MILLER: So, they're trying
11 to figure out what they can do here to be really
12 attractive, because if it's not attractive --

13 LANCE LANDGRAF: No one is going to
14 come in.

15 ROBERT REID: Yeah. Right.

16 GEORGE MILLER: Exactly right.

17 LANCE LANDGRAF: I'll tell you.
18 They did great there at -- at California Avenue.
19 I'm not sure most of them are containers. They
20 seem to be almost stick-built --

21 GEORGE MILLER: Yeah.

22 LANCE LANDGRAF: -- or steel built.

23 GEORGE MILLER: Mmm-hmm.

24 LANCE LANDGRAF: But, some of the
25 ideas that are coming across our desks now with

1 other development in the city, even outside the
2 city. I'd suggest going over and seeing the
3 Soulberri site, over in Brigantine.

4 GEORGE MILLER: Mmm-hmm.

5 LANCE LANDGRAF: It's up by Joe's
6 Seaside Market. It's a shipping container that
7 they converted to a Kaia berry fruit
8 bowl/smoothie place.

9 GEORGE MILLER: Mmm-hmm.

10 LANCE LANDGRAF: Neat concept. I
11 mean, different for here, but --

12 GEORGE MILLER: Yeah.

13 LANCE LANDGRAF: -- it gives you an
14 idea of what you can do with these containers.
15 And they're pretty inexpensive to
16 purchase.

17 It's not that I'm recommending you
18 go that direction, but that's something that may
19 help get this moving a little --

20 GEORGE MILLER: Right.

21 LANCE LANDGRAF: -- bit forward
22 instead of just pulling up a --

23 GEORGE MILLER: We --

24 Listen. We talked about this
25 yesterday. I represented the Schiffs when they

1 did Peanut World and Florence Miller came up and
2 objected and said, I want Fine stores. And even
3 Bob said, if you can get Fine stores to come
4 back, I'll be the first one to put them --

5 You know, they wanted needlecraft.
6 Well, needlecraft hasn't been in business --

7 LANCE LANDGRAF: Yeah.

8 GEORGE MILLER: -- for 30 years.

9 So, they want to up -- dramatically
10 upgrade from what was there.

11 So, if you have ideas like that, --

12 LANCE LANDGRAF: Yeah.

13 GEORGE MILLER: -- they're totally

14 --

15 LANCE LANDGRAF: I mean, that --
16 that's what I'm looking for, is something to aim
17 to update what's -- what's been there --

18 GEORGE MILLER: Right.

19 LANCE LANDGRAF: -- and improve
20 what's been there.

21 They're just -- they're dated
22 trailer structures.

23 GEORGE MILLER: Yep.

24 LANCE LANDGRAF: And that's not
25 what we would be looking for in Phase II here.

1 And I think we've had that
2 conversation --

3 GEORGE MILLER: Yes, we have.

4 LANCE LANDGRAF: -- with the
5 Schiffs.

6 So...

7 Another question is: So, we're --
8 we're going to 88 percent lot coverage. You're
9 right. That's, historically, what happens along
10 the Boardwalk there. So, we're at 88 percent.

11 Where are we directing the
12 stormwater?

13 Maybe, Dave, you can go into that a
14 little bit, of what we do with the runoff.

15 DAVID FLEMING: Well, so,
16 essentially, we would keep the historical
17 patterns. I mean, there may be some --
18 especially when the new building comes and we
19 have to --

20 Right now, we have the pavement in
21 place. But, there may be some modification to
22 feather out pavement to -- to direct it away
23 from the building, you know.

24 LANCE LANDGRAF: Okay.

25 DAVID FLEMING: But -- but,

1 generally, if you go through that lot now, we
2 would -- we would, you know, try to keep those
3 general patterns. You -- you have to. I mean,
4 you're not going to be able to fight it.

5 But, there -- there would be, with
6 Phase III again, especially adjoining the
7 building, making sure we're --

8 LANCE LANDGRAF: Right. Are there
9 storm drains that we can connect some of this
10 runoff to, --

11 DAVID FLEMING: Yeah.

12 LANCE LANDGRAF: -- especially if
13 it becomes roof runoff?

14 DAVID FLEMING: Yeah. I --

15 Well, that --

16 Relative to where the roof leaders
17 come down, --

18 LANCE LANDGRAF: Okay.

19 DAVID FLEMING: -- to that extent,
20 we have not designed --

21 LANCE LANDGRAF: Okay. And that
22 would be what you would submit when you come
23 back in --

24 DAVID FLEMING: Yeah.

25 LANCE LANDGRAF: -- for the

1 Phase II --

2 DAVID FLEMING: Exactly.

3 LANCE LANDGRAF: -- modifications.

4 DAVID FLEMING: That kind of
5 detail. Exactly.

6 LANCE LANDGRAF: Okay.

7 GEORGE MILLER: We do plan to pitch
8 the roofs back towards the parking lot.

9 LANCE LANDGRAF: Okay. Good.

10 I do see, on the plans, that the
11 rest room, even in the Phase II, is being
12 connected to sanitary sewer. I appreciate that.
13 It's something that we've seen in other
14 instances in the city, and it's not worked well
15 to keep them self-contained.

16 GEORGE MILLER: Right.

17 LANCE LANDGRAF: The back bay, the
18 area over there. It's just not --

19 GEORGE MILLER: Right.

20 LANCE LANDGRAF: It's not ideal.
21 So, tying them into sanitary sewer.

22 GEORGE MILLER: Yep.

23 LANCE LANDGRAF: I know it's an
24 additional expense, but I certainly think that's
25 going to benefit. And you'll use that line for

1 the building when it's done.

2 GEORGE MILLER: I hear you.

3 LANCE LANDGRAF: So, I think it's a
4 better idea to have that plumbed and sanitary
5 sewer connection. So, that's certainly a
6 positive.

7 I think that's what -- it for my
8 questions.

9 Do you have anything specific, Rob?

10 ROBERT REID: Yeah. Just that if
11 they try to emulate others' successes they have
12 seen similar to this, in terms of its
13 appearance, I think it's -- it's going to be
14 able to sustain itself. And I think you guys
15 already know that.

16 GEORGE MILLER: Yeah. We agree. I
17 mean --

18 ROBERT REID: Okay. Thank you.

19 That's all.

20 LANCE LANDGRAF: Justin, do you
21 want to hit anything on yours or --

22 JUSTIN AUCIELLO: Yeah. So, you
23 do require a variance, Phase II, to exceed the
24 maximum impervious cover. The zone requires 80
25 percent, maximum. They're proposing 88.4.

1 It's part of the planning
2 testimony, as you know, c(1) or c(2). I see
3 this as a -- as a c(2) variance.

4 Would you say that the benefits, if
5 -- if the board grants the variance, would
6 outweigh any, you know, detriments to the same?

7 You do note in your -- your letter
8 -- or your rider in the application that the
9 proposed coverage is consistent with the valid
10 CAFRA permit and previous land use approvals.

11 Also, you -- you state that -- that
12 based on the review of historical photographs,
13 the property was covered with nearly 100 percent
14 impervious coverage.

15 DAVID FLEMING: And to your point,
16 all those things are the -- the reasons why we
17 think it's consistent and it's beneficial, you
18 know.

19 JUSTIN AUCIELLO: And --
20 Go ahead. Go ahead.

21 DAVID FLEMING: Benefit to provide
22 -- be able to provide this facility, the way
23 it's laid out, so that it's -- you know, not
24 only benefits the plan, but benefits the
25 community and is a success.

1 JUSTIN AUCIELLO: So, would you say
2 that this application also advances the purposes
3 of zoning?

4 DAVID FLEMING: Absolutely.

5 JUSTIN AUCIELLO: And would you
6 also say that -- that there won't be any
7 substantial detriment to the public good in this
8 application?

9 DAVID FLEMING: Yeah. Yeah. We
10 don't see --

11 We see that as -- as, again,
12 something that we can comply with and adheres to
13 those, you know, criteria.

14 JUSTIN AUCIELLO: And then, of
15 course, there would be no new negative
16 impairment of the -- the zoning ordinance and
17 the zone plan, as well?

18 DAVID FLEMING: We do not believe
19 that's going to be an impact, no.

20 JUSTIN AUCIELLO: The other -- the
21 other question I had in the review is, can you
22 just talk a little more about the interplay
23 between the -- the amusement area and the bar
24 and the access control and all that? Just --

25 My only concern is if there's, you

1 know, a little kid wandering in, what -- like
2 would that be controlled?

3 DAVID FLEMING: Yeah. Yeah.

4 There's -- there would be, you know, a managed
5 door --

6 JUSTIN AUCIELLO: Okay.

7 DAVID FLEMING: -- and -- and, you
8 know, other physical barriers.

9 I mean, there's going to be access
10 points off -- off of the Boardwalk and the
11 controlled access that this plan envisions
12 between the two separate uses.

13 We know that with the world we live
14 in today, it's not beneficial to have minors
15 into an area that requires them to be 21, --

16 JUSTIN AUCIELLO: Right.

17 DAVID FLEMING: -- you know.

18 So, this would be constructed in a
19 way and -- you know, by the, you know, the
20 constructed barrier --

21 JUSTIN AUCIELLO: Mmm-hmm.

22 DAVID FLEMING: -- planter areas
23 that are real physical and any appropriate gate
24 or fencing.

25 Again, some of the -- you know,

1 some of the detail, you know, may -- may modify
2 as we look as the aesthetics of this thing
3 before, you know, we do the final architectural,
4 but --

5 GEORGE MILLER: There will be a
6 physical barrier.

7 DAVID FLEMING: Yeah.

8 GEORGE MILLER: And that's -- I
9 mean, that's -- that's the --

10 JUSTIN AUCIELLO: Great.

11 GEORGE MILLER: Yeah.

12 DAVID FLEMING: Yeah.

13 GEORGE MILLER: Whether it's going
14 to be like a wrought iron fence or whatever,
15 there will be a physical barrier surrounding the
16 licensed area.

17 DAVID FLEMING: And this plan
18 depicts that. This -- this enlargement that
19 shows the details of that depicts that that's
20 the intent.

21 JUSTIN AUCIELLO: All right.
22 Great.

23 And then one last question. So,
24 you would say that this application advances the
25 -- the goals and purpose of the Tourism District

1 and the master plan as well?

2 GEORGE MILLER: A hundred -- a
3 hundred percent.

4 I think the more --

5 LANCE LANDGRAF: He has to say
6 that. We know you say that, but we have to have
7 him say that.

8 GEORGE MILLER: I wanted to say 99.

9 JUSTIN AUCIELLO: Okay. Thank you.

10 LANCE LANDGRAF: Bill, do you have
11 anything?

12 WILLIAM ENGLAND: I just wanted to
13 --

14 You've -- you've gone through the
15 engineering comments in -- in the letter of
16 April 27th from ARH. Correct?

17 DAVID FLEMING: That's correct.

18 WILLIAM ENGLAND: Is there anything
19 under those comments that you can't or will not
20 comply with?

21 DAVID FLEMING: No. I -- I don't
22 believe, when we -- when we went through them in
23 detail over the last couple days, that there's
24 anything that we wouldn't comply with.

25 Much of it is -- is --

1 Like I said, Phase II, there's some
2 cleanup items. There's a few graphic items,
3 there's some notations and such. Those are --
4 are very easy to comply with, and it would be
5 our intent to comply with those.

6 The -- the biggest clarification
7 that I -- that I already touched on was
8 Phase III, with the actual building. Some of
9 those details we would want to condition as
10 submit with a building package to back as a
11 supplemental submission to your office at that
12 time, because, like I said, you know, you want
13 it -- you could -- you could say you're going to
14 comply right now, but we don't have the building
15 for that, we don't have, you know --

16 WILLIAM ENGLAND: And I understand
17 that the building details in Phase III are not a
18 hundred percent nailed down.

19 DAVID FLEMING: Yeah.

20 WILLIAM ENGLAND: But, I think, in
21 some of the comments, I think I'd like to see
22 what your general intent would be, such as do --
23 you know, some other details that may or may not
24 change. I don't want to leave it till the very,
25 very last phase --

1 DAVID FLEMING: I hear you.

2 WILLIAM ENGLAND: -- to have a
3 decision made.

4 So, I'd like to give some thought
5 to it now as to how you look to improve it.

6 DAVID FLEMING: So...

7 WILLIAM ENGLAND: I mean, you can
8 even modify it later. We can --

9 DAVID FLEMING: Fair enough. And I
10 think --

11 So, what I'm going to testify to is
12 we're going to comply, and we'll give you a -- a
13 detailed written response with a compliance set
14 to demonstrate so you can go through that.

15 But, from a -- from a testimony
16 standpoint, there's nothing we saw that was --
17 you know, was not a reasonable request and
18 standard, to the large degree.

19 WILLIAM ENGLAND: And one last
20 question.

21 What other permits are you going to
22 need for this project?

23 DAVID FLEMING: We're going to need
24 our FCD. We're going to have a water and sewer
25 connection.

1 WILLIAM ENGLAND: Do you have to go
2 back to CAFRA?

3 DAVID FLEMING: We don't need to go
4 back to CAFRA.

5 So, it would be, you know, again,
6 whether or not we have an approval from the
7 county or a waiver and FCD and water and sewer.

8 WILLIAM ENGLAND: Mr. Chairman, I
9 have no other comments or questions.

10 LANCE LANDGRAF: Okay.

11 WILLIAM ENGLAND: Thank you.

12 LANCE LANDGRAF: Thank you.

13 SCOTT COLLINS: Let's just mark
14 your letter in as B-1. That would be the April
15 27, 2018 ARH letter.

16 LANCE LANDGRAF: All right.
17 Mr. Miller, do you have anything else at this
18 time?

19 GEORGE MILLER: No, Mr. Chairman.

20 LANCE LANDGRAF: Then I'll open it
21 up to the public. If anyone here in the public
22 wants to speak on this matter, please stand and
23 state your name.

24 Seeing none, we'll close the public
25 portion.

1 GEORGE MILLER: I note we did get a
2 call from Cathy Burke.

3 LANCE LANDGRAF: Oh. Okay.

4 GEORGE MILLER: And we discussed
5 the application with Cathy Burke and her
6 attorney, and they were comfortable with the
7 application.

8 LANCE LANDGRAF: Good. Yeah. It's
9 in their neighborhood, so --

10 GEORGE MILLER: Yeah.

11 LANCE LANDGRAF: Across the street.

12 GEORGE MILLER: Across the street.

13 LANCE LANDGRAF: And, you know,
14 this area -- we hope this is another positive
15 project in this area. You see what the guys on
16 Tennessee Avenue, Mark Collazzo, Evan Sanchez
17 and Zenith Shah, are looking to do in opening up
18 some coffee shops.

19 GEORGE MILLER: Mmm-hmm.

20 LANCE LANDGRAF: And MADE Wine was
21 the -- just opened last week.

22 So, hopefully, that this is a -- a
23 running theme in that area that I think can
24 certainly improve the area, be a benefit to the
25 city. So, from that aspect, I'd like seeing the

1 application come forth and moving through.

2 So...

3 Anything else?

4 JUSTIN AUCIELLO: That's it,
5 Mr. Chairman. Thank you.

6 LANCE LANDGRAF: All right. Guys,
7 thank you.

8 GEORGE MILLER: Thank you.

9 LANCE LANDGRAF: Of course, we will
10 try and get it --

11 Our next meeting -- I'm not going
12 to be able to get it on May 15th, our next board
13 meeting. So, it will be our June -- two board
14 --

15 GEORGE MILLER: Do you know the
16 date, by any chance?

17 HEATHER WALLS: The 19th.

18 LANCE LANDGRAF: June 19th.

19 GEORGE MILLER: Okay.

20 LANCE LANDGRAF: So, we will -- it
21 will definitely be on by June 19th.

22 GEORGE MILLER: Okay.

23 LANCE LANDGRAF: If I can twist
24 some arms for May, I will, --

25 GEORGE MILLER: Okay. Great.

1 LANCE LANDGRAF: -- but I don't
2 know that I can.

3 I mean, the sooner I get it done,
4 the sooner I can get something done out there.

5 GEORGE MILLER: Exactly. Exactly.

6 LANCE LANDGRAF: So, I get it.

7 GEORGE MILLER: I mean, it's not
8 your fault we're --

9 LANCE LANDGRAF: No, but we'll --
10 we will try and do whatever we can to move the
11 project forward in a positive manner. So...

12 GEORGE MILLER: That would be
13 great.

14 LANCE LANDGRAF: So...

15 All right.

16 GEORGE MILLER: We'll be available
17 in May or June, whatever you tell us.

18 LANCE LANDGRAF: All right.

19 GEORGE MILLER: Thank you so much.

20 LANCE LANDGRAF: Yep.

21 DAVID FLEMING: Thanks a lot.

22 LANCE LANDGRAF: For the public's
23 benefit, the CRDA's next scheduled land use
24 hearing is May 17th, at 10 A.M.

25 As I just spoke, our next board

1 meeting is May 15th.

2 This matter may, most likely, be on
3 for the June 19th hearing.

4 So, with no other public comment,
5 we'll close the meeting.

6 We're adjourned. Thank you.

7

8 (This public hearing adjourned at
9 10:29 A.M.)

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| <p style="text-align: center;">A</p> <p>Abe 22:25 able 27:4 29:14 30:22 39:12 about 12:18 18:19 19:19 20:17 24:24 31:22 above 2:11 above-referenced 1:19 Absolutely 31:4 accept 14:21 access 16:8 17:6,23 18:5 20:2 31:24 32:9,11 accordance 6:14 acres 15:15 across 23:25 38:11,12 Act 6:15 active 13:10 actual 35:8 actually 10:6 13:18 19:11 20:6 ADAMS 3:11 add 20:12 additional 28:24 adheres 31:12 adjoining 27:6 adjourned 41:6,8 advances 31:2 33:24 aesthetics 33:2 again 8:6 16:1 18:2 19:16 27:6 31:11 32:25 37:5 agenda 6:16 ago 15:12 agree 29:16 ahead 30:20,20 AICP 3:13 aim 25:16 Allegiance 6:9,10 almost 12:7 13:4 23:20 along 17:15 26:9 already 15:10 29:15 35:7 always 20:20 amended 12:17 amusement 16:17,25 17:5 31:23 AND/OR 5:8 another 26:7 38:14 anyone 37:21 anything 8:18 29:9,21 34:11 34:18,24 37:17 39:3 appeal 12:19 appearance 29:13 APPEARANCES 2:16 applicant 4:1,7 7:1,10 applicants 12:21 application 6:17 7:2,11 8:11 8:16 30:8 31:2,8 33:24 38:5 38:7 39:1 appreciate 28:12 appropriate 32:23</p> | <p>approval 1:9 10:23,23 20:8 37:6 approvals 30:10 April 34:16 37:14 arcade 7:24 Architect 4:11 architectural 20:1,11 33:3 area 7:24 12:20,22 13:3,5,11 13:17 15:14,17 16:17,22,24 16:25 17:16 18:1,10,13,23 19:4 28:18 31:23 32:15 33:16 38:14,15,23,24 areas 17:14 18:9 32:22 ARH 34:16 37:15 arms 39:24 around 16:8 17:4 arrangement 17:13 asked 10:22 aspect 38:25 asset 19:2 associations 15:7 Atlantic 1:12 2:2 7:9 11:10 attached 11:17 attorney 7:8 38:6 attractive 23:12,12 AUCIELLO 3:13 29:22 30:19 31:1,5,14,20 32:6,16,21 33:10,21 34:9 39:4 August 11:5 AUTHORITY 1:1 2:1,17 available 40:16 Avenue 2:2 7:9 13:19 16:18 23:2,18 38:16 aware 16:4 away 13:3 26:22 A-1 5:9 8:12,16 9:5 A-2 5:10 8:23,24 10:1 A-3 5:11 9:15 A-4 5:12 9:22 A-5 5:13 A-6 5:14 11:11,20 A.M 2:12 6:1 40:24 41:9</p> <hr/> <p style="text-align: center;">B</p> <p>B 2:19 back 8:2 13:3 25:4 27:23 28:8 28:17 35:10 37:2,4 Baer 6:14 Bally's 13:8 bang 22:2 banging 22:1 bar 13:17 16:24 18:10 31:23 barrier 32:20 33:6,15 barriers 32:8 bar/restaurant 16:18 17:16 based 17:2 30:12 bathroom 20:18 bay 28:17</p> | <p>beach 13:21 becomes 13:10 27:13 beer 17:18 before 2:3 14:9,19 33:3 being 2:12 21:17 28:11 believe 12:25 15:17 31:18 34:22 beneficial 30:17 32:14 benefit 28:25 30:21 38:24 40:23 benefits 30:4,24,24 berry 24:7 better 29:4 between 13:8 31:23 32:12 big 17:11 biggest 35:6 Bill 34:10 bit 15:15 21:21 22:17 24:21 26:14 Block 1:11 6:18 board 3:7 10:23 11:10 14:9 15:8 30:5 39:12,13 40:25 boards 14:1 Boardwalk 1:12 6:18 7:25 8:2 12:7,9,12,15 13:21,24 26:10 32:10 Bob 25:3 Bob's 22:25 both 12:6,21 13:6 18:7 bowl/smoothie 24:8 Brian 11:5 briefly 16:13 Brigantine 24:3 bring 13:25 bringing 13:20 build 16:2 19:11 building 7:24 10:2,3 12:7 15:24 16:2,9 19:14,14 26:18 26:23 27:7 29:1 35:8,10,14 35:17 buildings 12:6 built 15:12,23 23:8,22 BULK 1:10 Burke 38:2,5 business 18:22 20:5 25:6 Byron 6:14 B-1 5:18 37:14</p> <hr/> <p style="text-align: center;">C</p> <p>Caesars 13:8 CAFRA 10:22 11:14 30:10 37:2,4 California 13:19 23:2,18 call 6:5 8:23 38:2 Callaghan's 11:5 called 12:21 came 23:8 25:1 car 21:24</p> | <p>CASINO 1:1,19 2:17 Cathy 38:2,5 CCR 2:4 certainly 19:22 28:24 29:5 38:24 Certificate 2:6 certified 2:3,4,6,7,7,8,9,9 Chairman 2:19 37:8,19 39:5 chance 39:16 change 21:23 35:24 circulation 18:14 city 1:12 2:2 7:9 11:10 12:21 18:25 24:1,2 28:14 38:25 clarification 35:6 cleanup 35:2 client 7:6 close 19:7 37:24 41:5 clothes 21:24 CLR 2:10 CM 2:7 CME 3:11 coffee 38:18 COFONE 3:13 Collazzo 38:16 COLLINS 3:9 8:15,18,21 11:12,21 14:7,11,22,24 37:13 colored 8:11 come 23:14 25:3 27:17,22 39:1 comes 26:18 comfortable 38:6 coming 13:23 23:25 commencing 2:12 comment 10:12 20:25 41:4 comments 10:22 12:10,14 21:2 34:15,19 35:21 37:9 commercial 6:19 10:2 19:13 19:13,14 community 30:25 companion 9:19 complete 15:11 16:10 completed 7:17 compliance 36:13 comply 31:12 34:20,24 35:4,5 35:14 36:12 comprise 16:25 concept 24:10 conceptual 16:4,5 concern 31:25 concrete 15:20,21 16:7 condition 20:7 35:9 conjunction 18:8 connect 12:12 27:9 connected 28:12 connection 29:5 36:25 consistent 12:13 13:1 18:20 30:9,17</p> |
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| <p>constructed 19:16 32:18,20 construction 15:20 19:20 20:9 consultants 21:10 CONSULTING 3:13 container 24:6 containers 22:20 23:19 24:14 contains 15:16 control 17:23 18:4 31:24 controlled 32:2,11 conversation 26:2 conversations 7:15 converted 24:7 copy 10:25 11:8 correct 34:16,17 COUNSEL 4:1 county 37:7 couple 34:23 course 18:21 31:15 39:9 Court 2:4 cover 12:5 29:24 coverage 19:10,18 26:8 30:9 30:14 covered 30:13 CPWM 3:11 CRDA 3:1 18:24 CRDA's 40:23 criteria 19:3,9,10 31:13 CRR 2:8 CSR 2:9 cupola 10:12 c(1) 30:2 c(2) 30:2,3</p> | <p>Department 2:20 depiction 16:23 depicts 33:18,19 design 20:6,20 designed 27:20 desk 10:25 desks 23:25 detail 9:23 16:14 19:24,25 20:12,21 28:5 33:1 34:23 detailed 13:13 36:13 details 18:15 33:19 35:9,17,23 detriment 31:7 detriments 30:6 developed 20:11 development 1:1 2:1,17 15:24 24:1 different 24:11 direct 26:22 directing 26:11 direction 24:18 Director 2:20 discussed 38:4 District 6:19 33:25 Division 1:4 6:6 doing 13:7 15:6 done 29:1 40:3,4 door 32:5 doorway 20:17 down 7:12,16 8:4 12:7 13:19 20:24 23:1 27:17 35:18 dozen 15:12 drains 27:9 dramatically 25:9 drop 20:24 due 17:23</p> | <p>essential 16:1 essentially 10:13 18:17 26:16 Evan 38:16 even 20:18 24:1 25:2 28:11 36:8 every 12:7 everybody 12:20 everybody's 10:25 everyone 6:8 everything 9:4 Exactly 10:17 23:16 28:2,5 40:5,5 exceed 29:23 excuse 16:22 exhibits 5:8 16:13 Expand 13:3 expedite 7:14 expense 28:24 expert 14:21 expired 11:24 explain 7:5 9:23 extent 19:17 27:19</p> | <p>foot 16:24 format 21:12 forth 39:1 fortunate 13:12,14 forward 22:17 24:21 40:11 frame 21:17 free 17:6 from 3:1 8:21 11:1,5,9 13:23 16:10 18:18 19:3,9 22:14,17 25:10 26:23 34:16 36:15,15 37:6 38:2,25 fruit 24:7 fully 20:11 further 8:5 10:21 future 10:2 15:23 19:13</p> |
| <p style="text-align: center;">D</p> <p>D 5:1 DANZIG 3:9 date 2:11 11:24 39:16 dated 11:5,22 25:21 Dave 14:1,4,19 15:3 26:13 DAVID 4:9 5:4 9:1,5,12,15,17 9:22 14:4,10,15,23 15:1,4 21:8,12,23 26:15,25 27:11 27:14,19,24 28:2,4 30:15,21 31:4,9,18 32:3,7,17,22 33:7 33:12,17 34:17,21 35:19 36:1,6,9,23 37:3 40:21 days 34:23 dead 12:22 decision 36:3 decorative 17:4 defined 18:2 definitely 39:21 degree 15:25 17:20 20:16 36:18 Delaware 2:8 demolition 15:10,19 demonstrate 36:14 DEP 11:14</p> | <p style="text-align: center;">E</p> <p>E 3:13 5:1 easy 17:8 35:4 elements 20:1 emulate 29:11 enclose 10:24 Enforcement 1:4 2:22 6:6 engineer 14:1,20 15:5,6 engineering 4:9,12 14:22,25 34:15 Engineers 14:5 ENGLAND 3:11 34:12,18 35:16,20 36:2,7,19 37:1,8 37:11 enlargement 33:18 enough 13:12,14 36:9 Enterprises 1:8 6:18 entirety 15:14 entrance 10:16 18:2 envisions 32:11 especially 22:21 26:18 27:6,12 ESQUIRE 3:9 4:3</p> | <p style="text-align: center;">F</p> <p>facility 17:18,22 19:6 30:22 Fair 36:9 family 16:16,25 17:5 fast 9:2 fault 40:8 FCD 36:24 37:7 feather 26:22 feet 7:21 13:4 17:1 20:19 fence 18:4 33:14 fencing 32:24 few 20:19 21:14 35:2 field 14:21 fight 27:4 figure 23:11 filed 7:11 fill 7:21 filled 16:7 fill-in 13:1 final 1:9 20:6,20 33:3 Fine 25:2,3 first 21:7,16 25:4 Fleming 4:9 5:4 9:1,5,12,15 9:17,22 14:4,5,10,15,23 15:1,4 21:8,12,23 26:15,25 27:11,14,19,24 28:2,4 30:15 30:21 31:4,9,18 32:3,7,17 32:22 33:7,12,17 34:17,21 35:19 36:1,6,9,23 37:3 40:21 floor 17:13 Florence 25:1 flush 12:14 follow 21:5 follow-up 15:9</p> | <p style="text-align: center;">G</p> <p>G 3:9 garden 17:18 gate 32:23 general 9:18 18:13 19:24 27:3 35:22 generally 16:17 17:15 27:1 George 4:3,3 7:5,7,8 8:8,10,17 8:20,24 9:3,9 10:6,11,17,20 11:3,7,16 12:2 15:10 17:17 17:21 21:18 22:1,2,5,8,24 23:4,7,10,16,21,23 24:4,9 24:12,20,23 25:8,13,18,23 26:3 28:7,16,19,22 29:2,16 33:5,8,11,13 34:2,8 37:19 38:1,4,10,12,19 39:8,15,19 39:22,25 40:5,7,12,16,19 getting 22:20 give 21:18 36:4,12 gives 24:13 go 8:21 9:9,23 13:24 14:1 20:25 21:6,10 22:9 24:18 26:13 27:1 30:20,20 36:14 37:1,3 goal 18:21 goals 33:25 going 6:3 9:24 12:12 19:25 20:24 22:14 23:13 24:2 26:8 27:4 28:25 29:13 31:19 32:9 33:13 35:13 36:11,12,21,23 36:24 39:11 gone 34:14 good 10:8 14:6 22:7,10 23:5,8 28:9 31:7 38:8 grants 30:5 graphic 35:2 great 23:18 33:10,22 39:25 40:13 ground 16:10 GROUP 3:13 guy 23:1 guys 21:3 29:14 38:15 39:6</p> |

| | | | |
|--|---|---|--|
| <p style="text-align: center;">H</p> <p>handout 10:7 happen 20:20 happened 13:19 happens 26:9 Hard 13:9 having 12:15 21:10 Haworth 2:3 hear 7:1 12:3,18 29:2 36:1 hearing 1:18 3:7 6:6,13 40:24 41:3,8 HEATHER 3:3 39:17 HEGGAN 3:11 help 24:19 her 38:5 highlights 20:23 him 14:21 34:7 historical 26:16 30:12 historically 19:5 22:16 26:9 history 14:19 hit 29:21 hold 19:12,16 holder 2:6 holds 19:11 hope 19:23 38:14 hopefully 19:1,22 38:22 hoping 13:7,10,22 housekeeping 10:21 hundred 19:7 34:2,3 35:18 HYLAND 3:9</p> | <p>instead 24:22 intent 18:24 20:14,21 33:20 35:5,22 interests 17:10 interplay 31:22 iron 33:14 item 6:16 items 35:2,2</p> <p style="text-align: center;">J</p> <p>J 4:9 5:4 14:15 James 16:20 Jersey 2:2,3,11 14:20 job 23:5,8 Joe's 24:5 JR 2:19 4:3,3 June 39:13,18,21 40:17 41:3 jurisdiction 7:1 just 6:20 7:21 9:7 10:15 12:14 15:9 17:22 20:24 21:2,4 24:22 25:21 28:18 29:10 31:22,24 34:12 37:13 38:21 40:25 Justin 3:13 29:20,22 30:19 31:1,5,14,20 32:6,16,21 33:10,21 34:9 39:4</p> | <p>38:20 39:6,9,18,20,23 40:1 40:6,9,14,18,20,22 land 1:4 2:22 6:5 30:10 40:23 LANDGRAF 2:19 6:3,12,22 7:3 8:8,14 9:7,11,14,16,21 10:8,15,18 11:1,4,8,13,17 11:22 14:6,18 15:2 21:6,9 21:14,20,25 22:4,6,10 23:3 23:6,9,13,17,22,24 24:5,10 24:13,21 25:7,12,15,19,24 26:4,24 27:8,12,18,21,25 28:3,6,9,17,20,23 29:3,20 34:5,10 37:10,12,16,20 38:3 38:8,11,13,20 39:6,9,18,20 39:23 40:1,6,9,14,18,20,22 Landscape 4:11 large 20:15 36:18 last 10:10 33:23 34:23 35:25 36:19 38:21 later 12:3 36:8 LAW 4:3 layout 9:18 16:5 leaders 27:16 learned 22:25 leave 35:24 left 10:24 letter 11:4 30:7 34:15 37:14 37:15 Let's 8:15 37:13 license 17:24 licensed 14:20 15:5 33:16 lighting 18:6,6,8,9,12,15 like 10:18 11:14,23 17:13,22 19:25 22:14 25:11 32:1 33:14 35:1,12,21 36:4 38:25 likely 41:2 line 8:6,7 12:8,8 28:25 liquor 17:24 Listen 24:24 little 8:4 12:15 15:15 17:6 19:2 20:12 21:21 22:17,22 24:19 26:14 31:22 32:1 live 32:13 LiveNoteTM 2:10 locations 20:18 long 12:24 longer 21:21 look 13:18 19:25 22:14 33:2 36:5 looking 25:16,25 38:17 looks 11:14,23 lot 1:11 6:18 12:19 13:8 15:14 22:18 26:8 27:1 28:8 40:21</p> | <p>making 27:7 managed 32:4 manner 40:11 Marathon 4:9,12 14:5 mark 8:12,15 9:1,3 11:11 37:13 38:16 MARKED 5:8 Market 24:6 marking 16:12 master 34:1 matter 1:19 37:22 41:2 maximum 19:4 29:24,25 may 1:16 6:6 16:6 20:16 22:22 24:18 26:17,21 33:1,1 35:23 35:23 39:12,24 40:17,24 41:1,2 maybe 20:18 21:9 26:13 mean 22:15,17 24:11 25:15 26:17 27:3 29:17 32:9 33:9 36:7 40:3,7 meet 18:5 meeting 39:11,13 41:1,5 Meetings 6:15 meets 18:23 memo 13:13 mentioned 17:17,21 Merit 2:6 might 17:7 Miller 4:3,3 7:4,7,8 8:10,17 8:20,24 9:3,9 10:6,11,17,20 11:3,7,16 12:1,2 21:18 22:2 22:5,8,24 23:4,7,10,16,21 23:23 24:4,9,12,20,23 25:1 25:8,13,18,23 26:3 28:7,16 28:19,22 29:2,16 33:5,8,11 33:13 34:2,8 37:17,19 38:1 38:4,10,12,19 39:8,15,19,22 39:25 40:5,7,12,16,19 mimic 13:22 17:20 minors 32:14 Mmm-hmm 23:3,23 24:4,9 32:21 38:19 modification 26:21 modifications 28:3 modify 12:13 33:1 36:8 more 9:23 13:5,8 17:6,22 18:2 18:2 20:11 31:22 34:4 morning 14:6 most 21:22 23:19 41:2 move 13:3 22:16 40:10 moves 20:8 moving 24:19 39:1 much 34:25 40:19</p> |
| <p style="text-align: center;">I</p> <p>idea 22:13 24:14 29:4 ideal 28:20 ideas 22:18 23:25 25:11 identify 8:9 9:7 II 7:20 9:13,20 10:1 15:18 16:3,12 19:16 21:17 25:25 28:1,11 29:23 35:1 III 15:24 16:2 19:19 20:8 27:6 35:8,17 immediate 15:18 22:6 impact 31:19 impairment 31:16 impediment 17:11 impervious 12:5 19:4,17 29:24 30:14 implemented 19:23 21:17 improve 25:19 36:5 38:24 improvement 9:25 increase 18:22 Indicating 7:14,22 8:5 9:2,6 9:13,19 individual 18:9 inexpensive 24:15 INGRAM 4:11 10:9 initial 12:10 instances 28:14</p> | <p style="text-align: center;">K</p> <p>K 4:3,3 Kaia 24:7 Karen 2:3 4:11 10:9 keep 26:16 27:2 28:15 kid 32:1 kind 13:15 28:4 know 15:12 16:7,19,19 17:6,8 17:9,10,13,14,17,19 18:3,3 18:8,14,19 19:1,22 20:3,5 20:17,18,19,25 21:2 22:15 25:5 26:23 27:2 28:23 29:15 30:2,6,18,23 31:13 32:1,4,8 32:13,17,19,19,25 33:1,3 34:6 35:12,15,23 36:17 37:5 38:13 39:15 40:2 known 14:19</p> <p style="text-align: center;">L</p> <p>L 2:22 laid 30:23 LANCE 2:19 6:3,12,22 7:3 8:8,14 9:7,11,14,16,21 10:8 10:15,18 11:1,4,8,13,17,22 14:6,18 15:2 21:6,9,14,20 21:25 22:4,6,10 23:3,6,9,13 23:17,22,24 24:5,10,13,21 25:7,12,15,19,24 26:4,24 27:8,12,18,21,25 28:3,6,9 28:17,20,23 29:3,20 34:5,10 37:10,12,16,20 38:3,8,11,13</p> | <p style="text-align: center;">M</p> <p>M 3:11 6:14 made 36:3 38:20 make 12:14 13:4 17:7,11 21:4</p> | <p style="text-align: center;">N</p> <p>N 5:1 nailed 35:18 nails 22:1</p> |

| | | | |
|---|--|---|---|
| <p>name 7:7 37:23 nationally 2:4,6,7,9 nearly 30:13 neat 22:18 24:10 need 12:4 20:12 36:22,23 37:3 needlecraft 25:5,6 negative 31:15 neighborhood 38:9 neighbors 16:21 new 2:2,3,11 8:18 12:17 14:2 14:20 26:18 31:15 next 39:11,12 40:23,25 nice 17:19 NJ 1:12 none 37:24 north 16:17 Notary 2:10 notations 35:3 note 12:5 30:7 38:1 noted 6:1 nothing 12:23,23 14:8 36:16 notice 6:22,23 7:23 noticed 6:13 novelty 13:16 November 11:23 nowadays 22:19 nuances 20:4 number 6:17 11:9</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>objected 25:2 obviously 17:2,6,16 18:11 19:21 occur 16:14 off 13:3 22:3 32:10,10 office 4:3 11:6 35:11 Officer 2:22 3:3 offshore 13:23 Oh 10:9,15 38:3 Okay 7:3 8:14,17,20,24 9:5,14 9:21 10:8,16 11:1,13,21,25 14:4 21:20 22:7,10 26:24 27:18,21 28:6,9 29:18 32:6 34:9 37:10 38:3 39:19,22,25 old 13:9 once 19:11,16 one 6:16 10:10 12:4 21:16 23:13 25:4 33:23 36:19 one-story 10:2 15:24 19:13,14 19:21 only 30:24 31:25 open 6:14 17:13 37:20 opened 38:21 opening 13:6 38:17 opposed 12:15 order 6:7 7:13 ordinance 31:16 oriented 16:19 17:2</p> | <p>originally 7:11 other 7:18 18:13 19:3 24:1 28:13 31:20,21 32:8 35:23 36:21 37:9 41:4 others 29:11 out 10:19 19:11 22:1,15 23:11 26:22 30:23 40:4 outside 24:1 outweigh 30:6 over 15:7,15 24:2,3 28:18 34:23 overhead 18:7 own 8:4 18:12</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>package 11:19 35:10 PAGE 5:3 park 13:24 parking 13:14 28:8 part 9:19 18:9 30:1 particular 7:24 particularly 12:6 patterns 26:17 27:3 pavement 26:20,22 PE 3:11 4:9 Peanut 25:1 pedestrian 13:11 pedestrian-friendly 13:5 Pennsylvania 2:2 7:9 people 13:21,23 22:20 percent 19:5,7,10 26:8,10 29:25 30:13 34:3 35:18 perimeter 17:5,15 permit 11:15 21:19 30:10 permits 36:21 PERRETTI 3:9 phase 7:16,20 9:13,20 10:1 15:10,18,24 16:2,3,3,12 19:16,19 20:8 21:17 25:25 27:6 28:1,11 29:23 35:1,8 35:17,25 phases 7:19 photographs 30:12 physical 32:8,23 33:6,15 piece 12:16 piles 15:22 pitch 28:7 place 16:20 24:8 26:21 plan 1:9 13:13 16:23 17:13 20:2,13,15,25 22:25 28:7 30:24 31:17 32:11 33:17 34:1 planned 19:21 planner 15:5 planning 2:20 15:2 30:1 plans 12:17,17 14:3 18:16 20:11,15 28:10 planter 32:22</p> | <p>planters 17:4 18:2 platform 7:13,20 9:13,18 10:1 15:11,21,21,25 16:4,15 19:12,20 please 6:8 37:22 Pledge 6:9,10 plumbed 29:4 point 21:4 30:15 pointing 8:9 points 32:10 pond 10:19 portion 7:13 8:4 37:25 positive 29:6 38:14 40:11 power 18:12 PP 3:11,13 prefer 8:13 PRELIMINARY 1:9 prepared 21:19 present 2:12 3:1 pretty 24:15 previous 30:10 prior 7:16 20:9 procedure 21:1,5 professional 2:5 14:24 PROFESSIONALS 3:7 4:7 project 3:3 7:14 14:2 15:18 36:22 38:15 40:11 Proof 6:25 proper 6:23 properties 13:6 19:6 property 8:3,6,7 12:8,8 15:15 30:13 proposal 17:20 19:8 propose 7:10,12 proposed 18:20 30:9 proposing 7:18 19:10 29:25 provide 20:21 30:21,22 provided 6:25 10:7 public 1:18 2:10 6:15 31:7 37:21,21,24 41:4,8 public's 40:22 pulling 24:22 purchase 24:16 purpose 33:25 purposes 31:2 put 25:4</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 26:7 31:21 33:23 36:20 questions 21:3,7,11,15 29:8 37:9</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>ready 22:9 real 15:22 32:23 really 22:18 23:4,11 Realtime 2:7</p> | <p>reasonable 36:17 reasons 30:16 recited 6:11 recommending 24:17 record 6:24 reference 8:19 REFERRED 5:8 regard 12:11 Registered 2:5 Regulation 1:4 6:5 regulations 13:1 REHMANN 3:11 REID 2:22 6:21,24 23:15 29:10,18 REINVESTMENT 1:1 2:1,17 relative 19:12 27:16 removed 15:13 report 21:11 Reporter 2:4,5,8,9,10 represented 24:25 request 36:17 require 19:8 29:23 requirement 19:5 requirements 17:25 18:5 requires 29:24 32:15 Resolution 11:9 Resort 6:19 Resorts 13:7,9 response 36:13 rest 28:11 restaurant 13:16 16:24 Revel 13:9 review 10:12,22 12:11,13 30:12 31:21 reviewed 6:25 rider 30:8 right 7:25,25 8:6 11:25 22:1 23:9,15,16 24:20 25:18 26:9 26:20 27:8 28:16,19 32:16 33:21 35:14 37:16 39:6 40:15,18 RIKER 3:9 Ripley's 8:5 rise 6:8 Rob 6:20 29:9 ROBERT 2:22 6:21,24 23:15 29:10,18 Rock 13:9 roof 27:13,16 roofs 28:8 room 28:11 RPR 2:5 running 38:23 runoff 26:14 27:10,13</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>Saint 16:20 same 11:19,24 30:6</p> |
|---|--|---|---|

| | | | |
|---|--|--|--|
| <p>sample 10:15 Sanchez 38:16 sanitary 28:12,21 29:4 saw 23:1 36:16 scheduled 40:23 schematic 9:17 16:13 SCHERER 3:9 Schiff 1:8 6:17 Schiffs 8:4 22:9 24:25 26:5 SCOTT 3:9 8:15,18,21 11:12 11:21 14:7,11,22,24 37:13 Seaside 24:6 seating 18:13 Second 22:11 security 18:4,4 see 13:7 15:7 17:8,8 28:10 30:2 31:10,11 35:21 38:15 seeing 24:2 37:24 38:25 seek 20:7 SEEKING 1:9 seem 23:20 seen 28:13 29:12 segregated 16:16 self-contained 28:15 self-funded 22:9 Senator 6:14 separate 32:12 Service 6:25 set 15:19 36:13 sewer 20:2 28:12,21 29:5 36:24 37:7 Shah 38:17 shift 20:19 shipping 22:19 24:6 shops 38:18 Shorthand 2:8 show 12:17 showed 16:13 18:15 shown 16:22,22 shows 33:19 side 12:6 sides 18:7 sidewalk 8:1 sidewalk-to-sidewalk 8:1 similar 29:12 site 1:9 20:13,14 24:3 situated 17:14 smaller 10:7 some 12:10 15:7,8,25 17:19 20:1,4 21:7 22:18,18 23:24 26:17,21 27:9 32:25 33:1 35:1,3,8,21,23 36:4 38:18 39:24 something 17:7,9 24:18 25:16 28:13 31:12 40:4 somewhat 13:22 sooner 40:3,4 Soulberri 24:3</p> | <p>South 2:1 7:8 space 7:22 16:11 spaces 15:17 speak 37:22 specific 29:9 speed 21:10 spoke 40:25 square 7:21 13:4 16:24 17:1 staff 7:15 stage 15:19 stand 37:22 standard 36:18 standpoint 18:18 22:14 36:16 start 20:25 21:19 started 6:4 state 2:11 14:20 30:11 37:23 stay 11:20 steel 23:22 step 12:16 stick-built 23:20 stores 25:2,3 storm 27:9 stormwater 26:12 street 8:2 38:11,12 string 18:7,14 structure 15:22 16:1,10 structures 25:22 submission 20:10 35:11 submit 12:16 27:22 35:10 substantial 31:7 success 30:25 successes 29:11 successful 13:20 suggest 24:2 summer 7:16 supplemental 20:10 35:11 support 13:15 15:23 supported 15:22 supports 20:15 sure 9:16 21:4 23:19 27:7 surrounding 33:15 sustain 29:14 swear 14:7 sworn 14:16</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>take 13:2 21:21 taken 1:19 7:15 13:18 taking 7:12 talk 31:22 talked 18:19 19:19 24:24 talking 20:16 tax 12:19 technically 15:16 tell 14:8 22:24 23:17 40:17 temporary 7:12 10:24 13:2 15:11 22:22 Tennessee 16:18 38:16</p> | <p>terms 29:12 testify 36:11 testimony 12:4 14:9 30:2 36:15 thank 6:12 11:25 12:2 14:11 29:18 34:9 37:11,12 39:5,7 39:8 40:19 41:6 Thanks 40:21 their 18:12,12 21:11 38:9 theme 38:23 thing 33:2 things 20:16,20 30:16 think 10:4 15:16 16:21 18:23 18:25 26:1 28:24 29:3,7,13 29:14 30:17 34:4 35:20,21 36:10 38:23 thinking 10:13 Thirty 15:5 thought 36:4 through 7:15 9:10,23 14:1,2,2 21:1,2,7,11 27:1 34:14,22 36:14 39:1 thumb 22:3 Thursday 1:16 till 35:24 time 6:1,11 12:24 13:25 20:10 20:22 21:16 35:12 37:18 today 12:18 15:8 21:19,19 32:14 today's 6:16 top 10:1 16:1 totally 25:13 touch 16:6 touched 35:7 Tourism 33:25 towards 16:17,19 28:8 town 13:23 traffic 13:8 18:23 trailer 25:22 trailers 7:12 13:2 22:11,19 trap 19:11 true 19:11,12 truth 14:8,8,9 try 13:4 18:22 27:2 29:11 39:10 40:10 trying 18:25 22:16 23:10 tweaks 20:17 twist 39:23 two 7:18 15:15 32:12 39:13 tying 28:21 type 17:3 types 20:20</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>ultimate 9:25 under 7:21 34:19 underneath 15:23 16:8,11 understand 35:16</p> | <p>unfortunately 12:22 update 25:17 upgrade 25:10 use 1:4 2:22 6:5 10:24 17:3 22:22 28:25 30:10 40:23 uses 16:14 32:12</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>valid 30:9 variance 12:4 19:9 29:23 30:3 30:5 VARIANCE(S) 1:10 various 17:14 vendor 17:14 18:9 22:11 version 10:7 very 13:10,20 17:13,19 22:21 35:4,24,25 vibrant 13:5 visited 17:18</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>waiver 37:7 walk 17:8 21:2 wall 16:7 WALLS 3:3 39:17 wandering 32:1 want 7:5 11:11 17:11 21:4 25:2,9 29:21 35:9,12,24 wanted 25:5 34:8,12 wants 7:6 37:22 water 20:2 36:24 37:7 way 12:11 17:19 30:22 32:19 week 38:21 well 13:7 15:2 22:21 25:6 26:15 27:15 28:14 31:17 34:1 went 23:1 34:22 were 10:13,22 16:12 38:6 we'll 8:21,23 12:14 21:21 36:12 37:24 40:9,16 41:5 we're 6:3 10:4 12:12 13:7,10 13:22 19:9 21:19 22:16 26:7 26:8,10 27:7 36:12,23,24 40:8 41:6 we've 13:18 26:1 28:13 while 22:23 whole 14:8 WILLIAM 3:11 34:12,18 35:16,20 36:2,7,19 37:1,8 37:11 Wine 38:20 wire 18:8 WITNESS(ES) 5:3 work 12:19 21:22 worked 14:18 28:14 works 21:3,13,13 22:21 world 25:1 32:13 wouldn't 34:24</p> |
|---|--|--|--|

| | | | |
|--|--|--|--|
| <p>written 36:13 wrought 33:14</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p>X 5:1</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>Yeah 9:9,11 10:11,17,20 11:12 14:23 15:1 21:25,25 22:5,8 23:15,21 24:12 25:7 25:12 27:11,14,24 29:10,16 29:22 31:9,9 32:3,3 33:7,11 33:12 35:19 38:8,10</p> <p>year 19:22 years 15:5,7,12 25:8 Yep 7:7 21:8 23:6 25:23 28:22 40:20 yesterday 24:25</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>Zenith 38:17 zone 18:20 19:4 29:24 31:17 zoning 10:23 11:9 18:18 19:3 31:3,16</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>10 40:24 10:00 2:12 6:1 10:29 41:9 100 30:13 12,000 7:21 13:4 14 1:11 5:4 6:19 1401 1:12 6:18 144 15:17 15 2:1 15th 39:12 41:1 17th 40:24 19th 39:17,18,21 41:3</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2.05 15:16 2005 11:5,9,23 2010 11:24 2017-06-2215 6:17 2018 1:16 37:15 21 32:15 23rd 11:23 26 7:8 27 37:15 27th 34:16</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 1:16 3rd 6:6 30 25:8 35 15:6</p> <hr/> <p style="text-align: center;">5</p> <hr/> | <p>5 10:4,5 5th 11:5 5,300 17:1 53 1:11 6:18 11:9</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6,600 16:23</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>80 19:5 29:24 88 19:10 26:8,10 88.4 29:25</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>99 34:8</p> | | |
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