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CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

ATLANTIC CITY INVESTMENTS, LLC

SEEKING DENSITY VARIANCE, PRELIMINARY AND FINAL
SITE PLAN APPROVAL FOR PROPOSED MIXED USE
DEVELOPMENT, WHICH INCLUDES 31 APARTMENT UNITS
AND FIRST FLOOR COMMERCIAL.

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2	<p>1 Thursday - April 15, 2021</p> <p>2 -----</p> <p>3</p> <p>4 Public hearing in the</p> <p>5 above-referenced matter, conducted at the</p> <p>6 CASINO REINVESTMENT DEVELOPMENT AUTHORITY, 15</p> <p>7 South Pennsylvania Avenue, Atlantic City, New</p> <p>8 Jersey, before Karen A. Haworth, a New Jersey</p> <p>9 Certified Court Reporter (CCR), nationally</p> <p>10 certified Registered Professional Reporter</p> <p>11 (RPR), nationally certified Certificate of Merit</p> <p>12 holder (CM), nationally certified Certified</p> <p>13 Realtime Reporter (CRR), a Delaware Certified</p> <p>14 Shorthand Reporter (CSR), nationally certified</p> <p>15 Certified LiveNote™ Reporter (CLR), and Notary</p> <p>16 Public of the State of New Jersey, on the above</p> <p>17 date, commencing at 10:03 a.m., there being</p> <p>18 present:</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	4
3	<p>1 APPEARANCES:</p> <p>2 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:</p> <p>3 LANCE B. LANDGRAF, JR.</p> <p>4 Chairman</p> <p>5 Director, Planning Department</p> <p>6 CASINO REINVESTMENT DEVELOPMENT AUTHORITY -</p> <p>7 CONTINUED APPEARANCES:</p> <p>8 ROBERT L. REID</p> <p>9 Land Use Enforcement Officer</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	5
2	<p>1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:</p> <p>2</p> <p>3 SCOTT G. COLLINS, ESQUIRE</p> <p>4 RIKER, DANZIG, SCHERER, HYLAND & PERRETTI</p> <p>5 JANE FONTANA, ESQUIRE</p> <p>6 Assistant General Counsel, CRDA</p> <p>7 CHRISTINE NAZZARO COFONE</p> <p>8 Cofone Consulting Group, LLC</p> <p>9 KATHRYN CORNFORTH</p> <p>10 Adams, Rehmann and Heggan</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 ALSO PRESENT FOR CRDA:</p> <p>16 DANIEL DONOHOE</p> <p>17 Geographic Information System Specialist</p> <p>18 Geographic Information System Specialist</p> <p>19 COUNSEL FOR THE APPLICANT:</p> <p>20</p> <p>21 NICHOLAS F. TALVACCHIA, ESQUIRE</p> <p>22 COOPER LEVENSON, ESQUIRES</p> <p>23</p> <p>24</p> <p>25</p>	4
3	<p>1 INDEX</p> <p>2</p> <p>3 WITNESS(ES) PAGE NO.</p> <p>4 JOHN LONGACRE</p> <p>5 By: Nicholas Talvacchia 15</p> <p>6</p> <p>7 JASON SCIULLO</p> <p>8 By: Nicholas Talvacchia 22</p> <p>9</p> <p>10</p> <p>11</p> <p>12 EXHIBITS MARKED AND/OR REFERRED TO:</p> <p>13 A-1</p> <p>14 A-2</p> <p>15</p> <p>16</p> <p>17 B-1</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	5

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1 [COURT REPORTER'S NOTE:
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 4 ZOOM.
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 17 TESTIMONY DID NOT CEASE]
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 19
 20
 21 (Time noted: 10:03 a.m.)
 22
 23 **LANCE LANDGRAF:** All right. So,
 24 the -- the only agenda item we'll have today is
 25 Application 2021-03-2954, Atlantic City

7

1 Investments, LLC.
 2 Do we have proper notice on that
 3 one, Rob?
 4 **ROBERT REID:** Yes, we do.
 5 **LANCE LANDGRAF:** Okay.
 6 **ROBERT REID:** I've reviewed that,
 7 and we have proper notice.
 8 **LANCE LANDGRAF:** Great. Thank you.
 9 So, Nick -- Mr. Talvacchia, I will
 10 turn it over to you to introduce the
 11 application. It's a -- it's Phase II of an
 12 application on Block 151, Lot 115, 10 South New
 13 York Avenue. And it's in the Resort Commercial
 14 District.
 15 So, Nick, if you could introduce
 16 yourself --
 17 **NICHOLAS TALVACCHIA:** Sure.
 18 **LANCE LANDGRAF:** -- and your client
 19 and engineer.
 20 **NICHOLAS TALVACCHIA:** For the
 21 record, Nick Talvacchia, Cooper Levenson, on
 22 behalf of the applicant Atlantic City
 23 Investments, LLC.
 24 With me is John Longacre, who is
 25 the sole owner of that entity, and Jason

8

1 Sciuillo, who is our planner and engineer.
 2 And thank you for, one, working
 3 with us to get this on the agenda quickly.
 4 Just real quick, for purpose of the
 5 record, this matter was heard in 2015 by the
 6 CRDA, but under the Atlantic City standards.
 7 For a lot of reasons, Mr. Longacre,
 8 it just took a while to get this financed. But,
 9 he got it financed. That's the good news. And
 10 so he's proceeding with the project.
 11 In 2018, CRDA adopted new
 12 regulations, two of which impacted the original
 13 approval. One is the density requirement, and
 14 two is the side yard setback.
 15 So, we're here, really, to, really,
 16 get reapproved the prior project.
 17 I will note the prior -- prior
 18 project had ground-level retail, which it still
 19 does, and above that, residential. Originally,
 20 it was 25 units, but as John got into, you know,
 21 more of the design of the building, realized he
 22 could actually carve out 31 residential units.
 23 And they're all good-sized units,
 24 by the way. They're not -- they're not small
 25 units.

9

1 So, the project's 31 residential
 2 units.
 3 The first floor, I believe, Jay, is
 4 approximately 7,000 square feet of resident --
 5 of -- of retail. We'll get into that.
 6 This building, through the help of
 7 Mr. Reid, we were able to trace the history
 8 going back in 2015.
 9 This building had a fairly
 10 intensive commercial use. So, the parking is
 11 grandfathered. And the parking demand under the
 12 old use would have been about 125 spaces. We're
 13 well under that. So, we don't need a parking
 14 variance.
 15 Having said that -- and Jay will go
 16 through this, and John, too -- there's a lot of
 17 parking in the area. And -- and there will be
 18 available parking for the guests and tenants,
 19 but it's not a matter of code. We don't need a
 20 variance for that. But, from a business matter,
 21 parking is in that area, which really will then
 22 go to our density argument, in terms of why the
 23 lot size doesn't need to be what the code would
 24 require for this density. We think, under the
 25 applicable standards, the density fits quite

<p style="text-align: right;">10</p> <p>1 well into this area. 2 It's also, for important purposes, 3 this is a historic building. It may not 4 technically be on the historic list, but we were 5 asked yesterday to go to -- before the 6 Atlantic City Historic Commission as a courtesy 7 -- courtesy review, and I will tell you, they 8 were thrilled that Mr. Longacre is -- is 9 preserving this building. 10 There will be no changes to the 11 essential character of the front of the 12 building. 13 And they were just very, very 14 pleased; one, that we went through the courtesy 15 of meeting, and, two, what he's doing. 16 And -- and they made no 17 recommendations, but they were happy that we 18 were there to see it. 19 And I believe Director Woolley may 20 attend this meeting. She can speak for that. 21 And I spoke to her after the hearing. 22 So, that went very well. 23 And I -- 24 We're all excited on this team for 25 this project.</p>	<p style="text-align: right;">12</p> <p>1 It was hard to tell from the plans, 2 but the front -- since there is no increase in 3 height for the first 20 feet of the front of the 4 building, we do not believe the front setback 5 variance is required; that addition, being 28.8 6 feet from the front line. And the variance will 7 trigger -- the variance would only be triggered 8 if we were within 20 feet. We're not. We're 9 beyond that. 10 So, we think it's a side yard 11 variance on the south side. 12 We're gonna ask for a -- continue 13 to ask for a side yard variance on the north 14 side because there may be a need for a foot or 15 so structural height increase on the right side. 16 We're well within the height. The 17 height is 300 feet. 18 JOHN LONGACRE: Nick, I -- I went 19 there today. 20 NICHOLAS TALVACCHIA: Yeah. 21 JOHN LONGACRE: It might be a 22 couple inches. 23 NICHOLAS TALVACCHIA: Right. 24 Oh. Okay. So, technically -- 25 LANCE LANDGRAF: Hold on.</p>
<p style="text-align: right;">11</p> <p>1 So, as you know, Phase I was 2 granted a week or so ago to allow the first -- 3 up to 10,000 square feet of work to begin, plus 4 some renovation; structural, whatnot. 5 Phase II is over 10,000. That's 6 what triggers the site plan and, of course, the 7 density variance and the setbacks for the 8 partial fifth floor addition. 9 Let me clarify. The front of the 10 building, going back 28.5 feet, is not being 11 increased in height. That's already five 12 stories. 13 It is the part beyond -- call it 29 14 feet going back that's going to have a partial 15 fifth floor. 16 The north side of the building, 17 closest to Atlantic Avenue, already has a 18 partial fifth floor. It's about 12 feet wide 19 and runs from the front of the -- from 28.8 feet 20 back all the way to the back of the building, to 21 the stair tower. 22 It is the side of the building 23 south or the ocean side where we're gonna fill 24 in the fifth floor. So, that's really the side 25 that's gonna trigger a side yard variance.</p>	<p style="text-align: right;">13</p> <p>1 John, you're not sworn in yet, 2 so... 3 JOHN LONGACRE: I'm sorry. I'm 4 sorry. Sorry. 5 NICHOLAS TALVACCHIA: All right. 6 I'm asking for approximately a foot higher on 7 the north side in case there's structurals. 8 There's no intent for another 9 floor. It will be de minimis, but, nonetheless, 10 I just want to be up front. 11 The side of the building, toward 12 the ocean, which is lower -- we have a 13 photograph to show that difference -- that will 14 get the -- you know, the -- the floor increase 15 in height to match the existing partial fifth 16 floor. 17 Scott, I don't know if you're 18 following all that, but we have some pictures, 19 and we'll get to it. 20 So, bottom line is, two side yard 21 variances. 22 We need a rear yard setback because 23 the stair tower is being increased by one flight 24 for fire code issues. 25 But, nothing at the ground level in</p>

14

1 the rear is being changed. And, frankly,
 2 nothing at the perimeter is being changed in
 3 terms of setbacks. It's exactly the same.
 4 These setback variances are, you
 5 know, at the fifth floor level and that's it.
 6 So, we think a minimal impact. There's no
 7 change in coverage or anything of that sort.
 8 With that, I think I covered the
 9 issues I wanted to talk about initially, just to
 10 kind of set the stage. I'd like to --
 11 John, do you want to just give a
 12 few minutes, --
 13 **JOHN LONGACRE:** Okay.
 14 **NICHOLAS TALVACCHIA:** -- a
 15 description that's more to your vision --
 16 **JOHN LONGACRE:** Yeah.
 17 **NICHOLAS TALVACCHIA:** -- of this,
 18 what you -- you envision for the first level
 19 retail and the market and all of those issues?
 20 And then we'll get Jay to talk
 21 about the site plan and variances.
 22 **JOHN LONGACRE:** Yeah. I actually
 23 --
 24 **LANCE LANDGRAF:** Scott, would you
 25 swear in Mr. Longacre?

15

1 **SCOTT COLLINS:** Yeah.
 2 Okay. Thank you.
 3 If you could raise your right hand.
 4 **JOHN LONGACRE:** Okay.
 5 **SCOTT COLLINS:** Do you swear to
 6 tell the truth, the whole truth and nothing but
 7 the truth in your testimony here today?
 8 **JOHN LONGACRE:** I do.
 9 **SCOTT COLLINS:** And could you just
 10 state your name for the record, please, and
 11 spell it?
 12 **JOHN LONGACRE:** John Longacre.
 13 L-O-N -- J-O-H-N L-O-N-G-A-C-R-E.
 14 **SCOTT COLLINS:** Thank you.
 15 **JOHN LONGACRE:** Good morning.
 16 **LANCE LANDGRAF:** Good morning,
 17 John. Good to see you again.
 18 **JOHN LONGACRE:** You, too.
 19
 20 DIRECT EXAMINATION
 21 **BY NICHOLAS TALVACCHIA:**
 22 Q. John, for the record, you are the
 23 principal of the developer here?
 24 A. Yes.
 25 Q. Yes.

16

1 And you are -- you have quite a
 2 development record in Philadelphia doing a
 3 number of projects. Is that correct?
 4 A. Yeah. I've done a number in
 5 Atlantic City as well.
 6 Q. Right. And is that the one off the
 7 boardwalk?
 8 A. 1 North --
 9 Q. That's the entertainment -- music
 10 venue?
 11 A. Yeah. And 1 North Boston.
 12 Q. And 1 North Boston.
 13 And this is another project.
 14 So, you're an experienced
 15 developer, I think it's fair to say?
 16 A. Twenty-five years.
 17 Q. Right.
 18 Okay. So, talk about this project,
 19 what attracted you to this building.
 20 I know you did a lot of market
 21 analysis. You had to actually convince the bank
 22 to lend the money because there was skepticism?
 23 So...
 24 A. Yeah. It's not a secret that
 25 Atlantic City is very difficult to get

17

1 traditional financing. Banks are very skittish
 2 about it. The tax basis that -- for -- for real
 3 estate just whacks everything out of economic
 4 viability. So, it's very, very, very
 5 challenging to get anything -- to get banks --
 6 traditional banks to lend in this market.
 7 That said, what brought me to this
 8 market was the building itself; it was so
 9 remarkable. And it had been bastardized, for
 10 lack of a better term, over a lot of years. I
 11 mean, it was --
 12 There was floors where there wasn't
 13 originally floors. There was secret hallways.
 14 I mean, it is just -- it's like a -- it's like a
 15 -- a puzzle in there.
 16 So, you know, our intention was
 17 always to bring it back to what it originally
 18 was, but you have to figure out how to -- how to
 19 pay for it. Right?
 20 So, there has to be some debt
 21 service coverage to -- to do the development, to
 22 actually make it economically viable.
 23 Our original estimate of 25 units,
 24 after we got into it and saw the square footage,
 25 we can -- we can do 31 and have big units, big

<p style="text-align: right;">18</p> <p>1 market rate units fit in the -- the -- the 2 envelope quite nicely with very little -- very 3 little give back. It's -- it's big enough to -- 4 to handle it. 5 The -- the -- the 31 units are all 6 gonna be market rate, one and two bedroom. They 7 are gonna be in your traditional, you know, city 8 loft style. 9 And we're treating this building 10 like it's a city, not like it's a beach 11 community. Like we're treating it like we would 12 treat Williamsburg or south Philadelphia. Just 13 an urban type of loft housing concept. 14 The bottom floor, we're trying to 15 bring much, much, much needed retail to -- to 16 that corridor. Our goal is to bring a Reading 17 Terminal style market with a lot of artisanal 18 vendors. Preferably, you know, hopefully, 19 they'll be all independent small businesses. To 20 bring, you know, the types of businesses in AC 21 that just don't exist right now. 22 I -- I don't know how many people 23 here are familiar with Reading Terminal Market 24 in Philadelphia, but it's, you know, baked 25 goods, tea -- tea shops, produce vendors. I</p>	<p style="text-align: right;">20</p> <p>1 You know, the -- the -- the fifth 2 floor is not a fifth floor. We're not really 3 asking for a -- a variance to build another 4 floor. We're asking for a variance to complete 5 the half floor that was there. 6 Oddly enough, and don't ask me why, 7 there's a half of a fifth floor. So, we're just 8 kind of asking for approvals to do the other 9 half. 10 From the street, you won't notice 11 any difference. The only place you would ever 12 see any difference at all would be the alleyway. 13 So... 14 Q. Thanks, John. 15 And -- and John, despite, you know, 16 the -- the issues you had getting this 17 financing, I think it's fair to say that you're 18 in Atlantic City because you're bullish on the 19 future of Atlantic City and -- 20 A. Yeah. Our goal is to -- is to 21 bring a year-round population. I mean, we are 22 -- we are -- 23 That's all we do in Philadelphia is 24 we invest in disinvested markets and we try to 25 bring more population to the city.</p>
<p style="text-align: right;">19</p> <p>1 mean, it's a -- it's a mix of everything. But, 2 it's all independently owned and it's quite 3 popular. 4 So, I thought that that would be a 5 good place to put this because it's so close to 6 the boardwalk. There's already built-in 7 residents. 8 I'd imagine they're gonna do 75 9 percent of their business Memorial Day to Labor 10 Day, but we -- we are gonna have them priced 11 very, very inexpensively so that these retailers 12 are able to sustain their businesses year-round. 13 The goal is to get in there, to get 14 a curated list of vendors, and help them become 15 successful. You know, we're not -- we're not 16 looking to -- to max out pricing. I -- 17 That's another thing I can tell 18 you. For the -- for the -- for the record, the 19 pricing that we're coming in the market at on 20 these retail units is already existing pricing. 21 We're not setting new market highs, we're not 22 hitting the top of the ladder. We're coming in 23 at middle market workforce housing prices. So, 24 that's another benefit, I think. 25 So, I --</p>	<p style="text-align: right;">21</p> <p>1 We're trying to build year-round 2 residents, not Air BnBers that come down on the 3 weekend, trash everything and go home. We're -- 4 we're trying to build a -- a year-round 5 population. 6 And as we're doing with the 7 businesses that we're doing here, we're also 8 trying to do -- not counterculture, but -- but 9 businesses that aren't here to -- to just give a 10 different view of Atlantic City so that it's not 11 all casinos and pawnshops. You know, we're 12 trying to bring a middle market customer to -- 13 to this island. And that's always been our 14 intention since our first project here. 15 Q. And, John, I think -- and -- and 16 we'll jump to Jay after you. 17 I just wanted to comment. I think 18 that Mr. Landgraf knows and the others that's 19 exactly the goals of the Tourism District 20 legislation; to rejuvenate Atlantic City as a 21 place for people to live and work and -- and, 22 you know, really -- really diversify the market. 23 So, I think what you're doing is 24 exactly what the goal is from a planning 25 perspective.</p>

22

1 **NICHOLAS TALVACCHIA:** So, with
2 that, I'd like to have Jay sworn in.
3 **SCOTT COLLINS:** Okay. Would you
4 raise your right hand, please?
5 Do you swear to tell the truth, the
6 whole truth and nothing but the truth in your
7 testimony here today?
8 **JASON SCIULLO:** I do.
9
10 DIRECT EXAMINATION
11 **BY NICHOLAS TALVACCHIA:**
12 Q. And -- and for the record, Jay,
13 you're a -- you're a New Jersey licensed planner
14 and engineer. Is that correct?
15 A. It is, yes.
16 **NICHOLAS TALVACCHIA:** Mr. Landgraf,
17 I believe he's been qualified as an expert in
18 those fields. I can qualify him again or, if
19 you prefer, you can accept him.
20 **LANCE LANDGRAF:** No. He's --
21 Mr. Sciuлло is certainly acceptable
22 as an engineer and planner.
23 **NICHOLAS TALVACCHIA:** Thank you.
24 **JASON SCIULLO:** Thank you.
25 **BY NICHOLAS TALVACCHIA:**

23

1 Q. So, Jay, you worked on the
2 submission for Phase I and, more specifically,
3 for Phase II. Correct?
4 A. Yes.
5 Q. And you're -- you're familiar with
6 the land use requirements of the Tourism
7 District. You've done many projects --
8 applications over the last few years. Correct?
9 A. Yes.
10 Q. All right. So, I'd like you to
11 talk about the project. We have a dimension, a
12 density variance and a bulk variance.
13 I'd like you, first, to talk about
14 why we -- we don't -- we believe we don't need a
15 front yard setback variance. I've tried to
16 explain it, but maybe you can put a little more
17 detail on that.
18 A. Okay. So, I'm gonna refer to -- I
19 don't know if we're gonna call them exhibits.
20 **JASON SCIULLO:** Scott, it's up to
21 you. They're -- they're the elevation drawing
22 that we submitted as a part of the application.
23 **BY NICHOLAS TALVACCHIA:**
24 Q. Is this the -- you were able -- the
25 presentation or the --

24

1 The bottom right, Jay. Which --
2 which one are you using? There's a presentation
3 set and a permit set.
4 A. Oh. I don't know. This one is
5 just a single sheet. I'll -- I'll bring it up
6 and then you can see it. It's --
7 **NICHOLAS TALVACCHIA:** Okay.
8 **JASON SCIULLO:** I don't know the --
9 the actual exact --
10 **SCOTT COLLINS:** Well, since it was
11 submitted, why don't we just mark the
12 application materials, generally, A-1? And then
13 if you could just identify what sheet you're
14 referring to.
15 **NICHOLAS TALVACCHIA:** Perfect.
16 Okay.
17 **LANCE LANDGRAF:** And, Nick, if --
18 if you can pause for one second.
19 **NICHOLAS TALVACCHIA:** Yeah.
20 **LANCE LANDGRAF:** I just was taking
21 a look at some of the people that -- in the
22 waiting -- not waiting room, but the signed on,
23 and some of them appear to be for the first
24 application. So, maybe they got on a little bit
25 late.

25

1 I just want to make another
2 announcement, --
3 **NICHOLAS TALVACCHIA:** Okay.
4 **LANCE LANDGRAF:** -- if I could.
5 So, the application for North Beach
6 Mini Golf has been carried to our May 6th
7 meeting.
8 There will be no further notice
9 required to the property owners within 200 feet
10 or in the newspaper.
11 We will repost the May 6th link on
12 our website. You'll be able to get onto that
13 link and attend that meeting virtually. It will
14 be the Zoom meeting on May 6th, at 10 a.m.
15 Again, you will not receive
16 additional notice.
17 I just wanted to make that
18 announcement because there's a couple people in
19 the waiting room that -- that are -- that I know
20 are on for that application. So...
21 I'm sorry to interrupt, Nick. Go
22 ahead.
23 **NICHOLAS TALVACCHIA:** Oh. No
24 worries.
25 **BY NICHOLAS TALVACCHIA:**

<p style="text-align: right;">26</p> <p>1 Q. So, Jay, if you could repost that 2 -- that plan that you had up there. 3 A. Can you see it? 4 Q. Yes. 5 A. Okay. Now, this is the elevation 6 drawing. And I -- I think it's the one that was 7 submitted, going through my file. There may 8 have been one after this, actually, that had a 9 -- or a type of block on it that was complete, 10 but it's the same information. 11 So, you'll see on this drawing that 12 the -- on the left side, the -- the facade from 13 New York Avenue, front elevation. 14 And then the -- the area that Nick 15 mentioned when you see the side elevation view, 16 this is from the north side, looking south, 17 towards the beach. New York Avenue will be on 18 the left. 19 You'll notice -- hopefully, it's 20 visible on your screen, too, there's a little 21 bit darker lines that run through the building. 22 And you'll see that the first floor 23 in the back and the first floor in the front 24 kind of step. 25 JASON SCIULLO: And, Lance, you</p>	<p style="text-align: right;">28</p> <p>1 Q. Well, I -- I -- I want to point out 2 the stair tower in the back, which is CMU block, 3 that will go up a floor for code issues, -- 4 A. Yes. 5 Q. -- and is shown on elevations. 6 A. Yes. 7 Q. But, there's no increase on -- on 8 the north side, which is the Atlantic Avenue 9 side, and height, other than the stair tower 10 toward the back, other than the possible one 11 foot that I mentioned for structural purposes. 12 But, the -- this is -- this shows the partial 13 fifth floor today. It's there. It's always 14 been there. 15 A. Yeah. So, let me -- let me grab 16 another one. This is -- 17 I'm gonna just pop up Google Earth 18 wherever I hid it. Where did I put it? Man. 19 Come on. It's screen one. All right. Sorry. 20 Too many things up. 21 JOHN LONGACRE: I went up there and 22 took pictures today that I can -- literally, 23 live, you know, pictures from this morning. 24 NICHOLAS TALVACCHIA: Oh. Good. 25 We didn't have great pictures; we had some</p>
<p style="text-align: right;">27</p> <p>1 probably remember this when we went in the 2 building way back to look at it, before John 3 bought it, how those front areas had a -- like a 4 couple steps up for the front portion of the 5 building. 6 So, that front portion is four -- 7 four stories, four floors, but it's at the same 8 elevation as we'll be in the back with five 9 floors. 10 So, when Nick mentioned the first 11 28 feet are already at the elevation of the 12 fifth floor roof, that's this portion here. 13 Generally, in line with this utility room here. 14 That's -- that's that front portion. 15 So, the actual addition for the 16 fifth floor is this portion and then back. 17 BY NICHOLAS TALVACCHIA: 18 Q. Jay -- Jay, if I could stop you. 19 That -- on the north side, that is 20 already there, just so you know. 21 A. A portion of it. Yes. 22 Q. It's the ocean side -- 23 A. Yeah. So, I'm gonna show that -- 24 I'm gonna show that on the -- on another 25 scenario.</p>	<p style="text-align: right;">29</p> <p>1 pictures. 2 JASON SCIULLO: All right. Can you 3 guys see that aerial photo? 4 NICHOLAS TALVACCHIA: Yes. 5 LANCE LANDGRAF: Yeah. 6 JASON SCIULLO: All right. This is 7 straight out of Google Maps. 8 And what Nick mentioned, our 9 building is this one right here. New York 10 Avenue, to the right side. 11 So, the front portion, this gray 12 roof that's here, that's the portion that's 13 already at the elevation of what will be the 14 future fifth floor roof. 15 And the portion that Nick mentioned 16 that's elevated, do you see this line -- I don't 17 know. Hopefully, you see my cursor run over it. 18 That's a little bit south of where the stair 19 tower ends. That is already -- that portion of 20 the building is already at the same elevation 21 that we proposed, maybe less than a foot lower. 22 So, when Nick mentioned the portion 23 that we're filling in only being on the south 24 side of the building, it's generally from the 25 28-foot portion in the front that's already</p>

30

1 elevated and then, say, the back three-quarters
 2 of the building. That's where the actual
 3 additional building volume will be.
 4 This used to be a shooting range
 5 that -- that's in here. That's why it had no
 6 access and -- and no, you know -- the stair
 7 tower didn't already go through it. It wasn't
 8 necessarily habitable. But, the building volume
 9 is there.
 10 So, again, we're -- we're only
 11 gonna be doing, generally, the back three
 12 quarters of the building, plus the stair tower
 13 up to the fifth floor. So --
 14 **BY NICHOLAS TALVACCHIA:**
 15 Q. And, --
 16 A. **Go ahead.**
 17 Q. -- Jay, what of the front?
 18 The -- the part of the front of the
 19 building that's not being touched, that goes
 20 back, I believe, 28.8 feet. Is that correct?
 21 A. **Yes. According to the structural**
 22 **plans, yes.**
 23 Q. Right.
 24 So, the addition on -- on -- for a
 25 fifth floor is set back more than the 20 feet.

31

1 It --
 2 So, in -- in your opinion, does
 3 that mean it does not need a front setback
 4 variance?
 5 A. **Yes. That's correct. Yep.**
 6 **So, the --**
 7 **And we'll get into the detailed**
 8 **technical relief in a second, but generally --**
 9 **And I'm gonna share another one now**
 10 **that's a -- the survey so you guys can see.**
 11 **This was also submitted as part of the**
 12 **application.**
 13 **Oh. Let me go back to this.**
 14 Q. Well, Jay, that --
 15 **NICHOLAS TALVACCHIA:** Scott, this
 16 was not part of the submission. We should mark
 17 this as a new exhibit; the aerial?
 18 **SCOTT COLLINS:** Which one?
 19 **JASON SCIULLO:** Oh. The aerial.
 20 Yeah.
 21 Where did I put the survey? Oh.
 22 Man. I'm sorry, guys. I -- I thought I had the
 23 survey.
 24 That's a different one. Okay.
 25 **SCOTT COLLINS:** Do you want to call

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1 that A-2?
 2 **NICHOLAS TALVACCHIA:** Let --
 3 **JASON SCIULLO:** No. Don't worry
 4 about that one.
 5 Yeah. The -- the aerial can be
 6 A-2.
 7 [Indiscernible - overtalking]
 8 I've gotta -- I've got --
 9 I have to go find the -- the
 10 survey.
 11 But, while I'm digging it up. So,
 12 the -- the existing condition, the front
 13 setback, the building's -- the front of the
 14 building is zero feet. But, we're --
 15 As Nick mentioned, the addition is
 16 starting 28 feet back.
 17 On the south side of the building,
 18 we have a seven-foot setback. And that's gonna
 19 have the same setback going up for the fifth
 20 floor.
 21 Sorry. A call coming in.
 22 And then the -- on the north side,
 23 which I'm gonna, hopefully, be able to show you
 24 here in a second, we have a -- a zero-foot
 25 setback. But, since we have that portion of the

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1 building that's already elevated, so, the fifth
 2 floor roof elevation, we're gonna have a partial
 3 --
 4 It still needs setback relief, but
 5 the portion that we're actually adding volume to
 6 isn't at that seven-foot setback -- or that
 7 zero-foot setback. I'm sorry. It's about 12
 8 feet in. So, it's really only a small portion
 9 of that side yard that we're encroaching within.
 10 Let me share it now. I'm sorry.
 11 I've got it up. So, I'll try to explain this
 12 better when you guys see this.
 13 So, again, the -- the portion of
 14 the building that's already elevated on the
 15 north side generally runs around -- I'm hanging
 16 my cursor here. So, it's about 12 feet off the
 17 lot line is where the addition will start. So,
 18 we only have eight feet of building encroachment
 19 into that side yard that's additional.
 20 In the rear yard, you heard Nick
 21 mention that the stair tower is getting --
 22 adding a floor to that stair tower. That's at
 23 5.9 feet, this existing setback.
 24 And then the rest of the building
 25 that's gonna be additional floor is greater than

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1 20 feet from the rear yard line -- or rear line.
 2 So, that is also outside of that setback.
 3 So, although we do need a rear
 4 setback variance, it's only for the stair tower.
 5 **BY NICHOLAS TALVACCHIA:**
 6 Q. And -- and, Jay, it's only for the
 7 new portion at the fifth level. Correct?
 8 **A. That's right. Yes.**
 9 **There's no changes on the ground**
 10 **floor, no changes outside the building**
 11 **footprint.**
 12 **The entirety of this redevelopment**
 13 **project is adaptive reuse of the existing**
 14 **building. There's no site work proposed.**
 15 Q. Okay. Jay, do you have the photo
 16 that shows from the -- that shows the -- the
 17 south side that -- that you can see where the
 18 building dips down to the fourth floor?
 19 **A. I do. Let me grab that real quick.**
 20 Q. Okay. This -- this illustrates the
 21 first 28.8 feet, which is the part that is not
 22 being changed. And then you can see on the left
 23 there, just barely got captured, --
 24 **A. Yeah. This portion right here.**
 25 Q. -- the top of the fourth floor --

35

1 the top of the fourth floor.
 2 That's what's gonna go up to match
 3 the first 28.8 feet, right there.
 4 **A. Yeah.**
 5 Q. Is that correct, Jay?
 6 **A. Correct.**
 7 Q. And that -- and that will then
 8 match the north side, which is already at that
 9 height.
 10 **A. Yes.**
 11 Q. So, if --
 12 **A. That's correct.**
 13 Q. I know --
 14 I -- I honestly didn't figure this
 15 out -- some of this out until the other day when
 16 John explained it to me more thoroughly, about a
 17 partial fifth floor or not, but it's a partial
 18 fifth floor addition. Right side, pretty much
 19 the same. The left side is where most of the
 20 work's gonna be in terms of the height. And
 21 then -- then the stair tower goes up one flight
 22 for, you know, fire code reasons; to provide an
 23 additional access point from the fifth floor
 24 residential units.
 25 And -- and John -- or -- or Jay, in

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1 2015, the approval included use of the roof for
 2 roof deck purposes, you know, for the tenants.
 3 That --
 4 Is that still the plan, John or
 5 Jay?
 6 **JOHN LONGACRE:** Yeah. Actually,
 7 nowadays, it's -- it's become even more
 8 important, because for us to be able to attract,
 9 you know, people that work from home, it's -- I
 10 think it's a critical component to the -- to the
 11 building leasing up.
 12 It's not a party deck; it's a work
 13 deck. I mean, we're building a little area
 14 where people can work on a deck with wifi
 15 connection and actually have some outside space.
 16 So, yeah, I think it's critical.
 17 **NICHOLAS TALVACCHIA:** So, we don't
 18 have that detail yet, but we would be -- if --
 19 if -- if this were to be approved, I believe
 20 that we could certainly accept that as a
 21 condition of approval; to provide the roof space
 22 detail?
 23 **SCOTT COLLINS:** Is that a "yes"?
 24 **NICHOLAS TALVACCHIA:** We -- we were
 25 asking your side, Lance, if that was acceptable.

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1 **LANCE LANDGRAF:** Yeah. That would
 2 be -- that would be fine with me.
 3 Christine and -- and Kathryn, are
 4 you okay with that?
 5 **KATHRYN CORNFORTH:** Yep.
 6 **CHRISTINE COFONE:** Yep. That would
 7 be fine.
 8 **LANCE LANDGRAF:** Okay.
 9 **NICHOLAS TALVACCHIA:** And -- and,
 10 John, just -- I don't know if it was designed --
 11 because of the 20-foot setbacks, required
 12 fencing may be within those setbacks.
 13 So, we would ask --
 14 **JOHN LONGACRE:** Yeah. Yeah. It
 15 would be -- it would be -- it would be set back.
 16 You wouldn't see it from the street and it would
 17 be -- it would have railings all the way around.
 18 **NICHOLAS TALVACCHIA:** But, it may
 19 -- it may still. Because it's 20 and 20 on each
 20 side, there still might be encroachment in those
 21 two 20 foot setbacks.
 22 I just want to alert the -- the
 23 land use hearing --
 24 [Indiscernible - overtalking]
 25 **JOHN LONGACRE:** Well, the

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1 building's -- the building's, what, 50 -- 50 --
 2 53 feet wide?
 3 **NICHOLAS TALVACCHIA:** Yeah.
 4 **JOHN LONGACRE:** So, if it had to be
 5 20 on each side, to stay within those setbacks,
 6 it would be weird looking. But, maybe we could
 7 do it. I just --
 8 **NICHOLAS TALVACCHIA:** Yeah.
 9 [Indiscernible - overtalking]
 10 Well, I think, John, what -- what
 11 we're asking for is for the -- for -- for relief
 12 to put the fencing within the setbacks.
 13 **LANCE LANDGRAF:** So, how -- how far
 14 do you think --
 15 I need to -- I need to put a number
 16 on that. I just can't leave it open. So...
 17 **NICHOLAS TALVACCHIA:** Yeah. We
 18 could always make it smaller.
 19 Let's -- let's say, John, if you
 20 were ten feet away from the side on each side,
 21 would that work?
 22 **JOHN LONGACRE:** That's what I was
 23 gonna suggest. Because you'd never see that
 24 from the street, ever, --
 25 **NICHOLAS TALVACCHIA:** Okay.

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1 **JOHN LONGACRE:** -- and it would
 2 still be -- it would still look okay.
 3 **NICHOLAS TALVACCHIA:** And -- and
 4 how far back toward the building, John? You --
 5 The --
 6 We're actually 24 feet anyway.
 7 **JOHN LONGACRE:** I --
 8 **NICHOLAS TALVACCHIA:** So, that
 9 would comply. Right?
 10 **JOHN LONGACRE:** Yeah. We could
 11 easily --
 12 We could comply there. No problem.
 13 **NICHOLAS TALVACCHIA:** Okay. So,
 14 it's just the side yards for the fencing.
 15 **LANCE LANDGRAF:** So, we'll -- we'll
 16 note that that -- that relief is being requested
 17 at the hearing time; --
 18 **NICHOLAS TALVACCHIA:** Mm-hmm.
 19 **LANCE LANDGRAF:** -- to put a
 20 railing around the rooftop deck no closer than
 21 ten feet to the sides of the building.
 22 **NICHOLAS TALVACCHIA:** The side yard
 23 setbacks, Lance, or the sides of the building,
 24 at least?
 25 **LANCE LANDGRAF:** Isn't that one and

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1 the same?
 2 **NICHOLAS TALVACCHIA:** Yeah.
 3 **LANCE LANDGRAF:** Where your
 4 building's right up against it.
 5 **NICHOLAS TALVACCHIA:** On one side.
 6 I think there was some --
 7 **LANCE LANDGRAF:** On one side it is.
 8 Well, I think John's testimony was
 9 that setting it back ten feet, that it would not
 10 be visible from the street --
 11 **NICHOLAS TALVACCHIA:** Okay.
 12 **LANCE LANDGRAF:** -- from the side
 13 of the building.
 14 So...
 15 [Indiscernible - overtalking]
 16 **NICHOLAS TALVACCHIA:** Okay. From
 17 the building.
 18 **LANCE LANDGRAF:** No. You guys tell
 19 me what you're looking for.
 20 So, I just want to make it clear on
 21 the record, so when we go --
 22 **JOHN LONGACRE:** Yeah. That -- that
 23 -- that's right, Lance. The --
 24 If you set it back ten feet, you're
 25 not gonna see it from the street.

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1 **LANCE LANDGRAF:** Okay. Okay.
 2 **NICHOLAS TALVACCHIA:** Okay. Thank
 3 you.
 4 **LANCE LANDGRAF:** So, you don't know
 5 that that's a huge concern?
 6 **SCOTT COLLINS:** Lance, you're
 7 comfortable with your statement?
 8 **LANCE LANDGRAF:** Is that
 9 comfortable with --
 10 That will be --
 11 Go ahead.
 12 **SCOTT COLLINS:** I -- I just want to
 13 be very clear for purpose of the hearing officer
 14 report what relief is being requested and what
 15 we're agreeing to. I have your --
 16 **LANCE LANDGRAF:** Yeah. From what I
 17 understand, and -- and --
 18 The -- the railing of the rooftop
 19 deck would be set back ten feet from the sides
 20 of each -- of the building on either side and it
 21 would meet the 20 foot on the back side.
 22 Correct?
 23 **NICHOLAS TALVACCHIA:** Yes.
 24 **LANCE LANDGRAF:** Okay. I'm
 25 comfortable with that.

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1 **SCOTT COLLINS:** Thank you.
 2 **NICHOLAS TALVACCHIA:** Thank you.
 3 All right. Turning back to Jay.
 4 **BY NICHOLAS TALVACCHIA:**
 5 Q. Jay, have you completed your
 6 description of the building and what we're
 7 proposing to do to it?
 8 A. **Yeah. I think so. The --**
 9 **There's --**
 10 **I mean, the interior work, if we**
 11 **need to elaborate on it for any reason, we can.**
 12 **But, it's, generally, the first floor will be**
 13 **commercial. The remaining four floors will be**
 14 **residential. And again, no change to the**
 15 **footprint at ground level and no exterior**
 16 **improvements at ground level.**
 17 Q. Oh. Jay, there were -- there were
 18 some questions about exterior lighting, how the
 19 -- how the trash would be handled, how residents
 20 --
 21 A. **Yeah.**
 22 Q. -- would enter.
 23 Can you go through that?
 24 A. **Yeah. So, I'm gonna share one of**
 25 **the architectural floor plans, if I could. I'll**

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1 **go back to this one.**
 2 **JASON SCIULLO:** This is the plan
 3 that's submitted as part of the application
 4 again, Scott. So, I don't know if it has to be
 5 entered as an exhibit.
 6 **SCOTT COLLINS:** If it's part of the
 7 application, it's fine. Just make sure you
 8 refer to what it is.
 9 **JASON SCIULLO:** Yeah.
 10 All right. So, this is the -- the
 11 first floor plan.
 12 And you'll see that New York Avenue
 13 is on the right side.
 14 An entrance off the street, at
 15 grade, will come into an entrance lobby,
 16 vestibule, that's gonna have an elevator in the
 17 back and the stairwell on the right. So,
 18 there's that stairwell for access.
 19 And then in the rear, as we talked
 20 about, that stairwell for access.
 21 So, there will be two points of
 22 entry into the residential portion of the
 23 building or the stairs to get to the residential
 24 portion from street level at New York Avenue and
 25 in the rear.

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1 The rear stairwell is also what's
 2 envisioned to be used for the residents to be
 3 able to take trash down to the Dumpster area,
 4 which is in that pocket in the back of the --
 5 the -- the building. It's an existing feature.
 6 It's been there and will continue to remain
 7 there.
 8 The access at this entrance at
 9 grade level will be accessible. There's no
 10 steps in.
 11 Actually, no. I'm sorry. There
 12 are steps in.
 13 John, are we gonna have --
 14 We're not changing those stairs.
 15 So, there -- there will be steps into the
 16 residential portion from the street. Right?
 17 **JOHN LONGACRE:** Well, there's a
 18 step there now.
 19 [Indiscernible - overtalking]
 20 There's one -- there's one step.
 21 **JASON SCIULLO:** Yeah. So, that
 22 will remain.
 23 The same with the -- the -- sorry
 24 -- choosing the commercial entrance.
 25 So, I'm gonna amend my testimony.

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1 It will not be accessible through the -- the
 2 street entrance.
 3 And rehab code is what this is
 4 under. Building code related isn't purview of
 5 the board, but just to be aware, it will be
 6 compliant. It actually has received permits
 7 already for a portion of the -- the Phase I
 8 work, like we talked about. It includes this
 9 first floor.
 10 So --
 11 But, the -- the question raised in
 12 the review letter was how many entrances -- or
 13 how many -- sorry -- access points are there to
 14 outside. And it's gonna be two stairwells down
 15 to grade, plus the elevator, with the front door
 16 and the rear door.
 17 [Indiscernible - overtalking]
 18 **BY NICHOLAS TALVACCHIA:**
 19 Q. From our vantage, the entrance is
 20 -- is from the front only, though, Jay.
 21 Correct?
 22 A. **Well, two of them. Yes. The --**
 23 **Well, yeah. Both of them. I'm**
 24 **sorry. Those doors are shown here on the -- on**
 25 **the corners.**

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1 **And, again, they exist today.**
2 **We're just gonna reuse them.**
3 Q. And all --
4 **JOHN LONGACRE:** Jay --
5 **BY NICHOLAS TALVACCHIA:**
6 Q. -- commercial and residential would
7 be kept at the rear, where the Dumpsters are,
8 and then be wheeled out through the -- the
9 seven-foot alley that's existing?
10 A. **Yes. That's the --**
11 **The existing function will remain**
12 **in that regard.**
13 Q. Okay.
14 **JOHN LONGACRE:** So, can I say
15 something?
16 **JASON SCIULLO:** Sure.
17 **JOHN LONGACRE:** Our original
18 intention was to have access --
19 Can you see my cursor, or no?
20 [Indiscernible - overtalking]
21 **JOHN LONGACRE:** All right. Our
22 original intention was to have access along the
23 -- I believe you're calling it the northern
24 wall.
25 **JASON SCIULLO:** Where? Here?

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1 **JOHN LONGACRE:** Yeah. Exactly.
2 To have commercial storefront
3 access.
4 We still may. So, it's conceivable
5 that we would come back to you and, potentially,
6 ask for that.
7 We were in negotiations to buy that
8 parking lot, and then the owner, at the last
9 minute, decided that he wanted to give it to the
10 church for a -- for a big write-off.
11 So, we're -- we're gonna try to
12 negotiate with the church to get a 99-year land
13 lease on that.
14 If that's the case, then we would
15 like to build -- have a commercial entrance on
16 that side. That was the original intention.
17 So, it's conceivable that we would
18 come back to you and ask for that at a later
19 date, maybe, if we were able to negotiate a -- a
20 deal on that.
21 **LANCE LANDGRAF:** Okay. Because
22 that was my question.
23 I don't see any access to that back
24 area, the back retail space. I see doorways
25 into the front, but then there's a solid wall.

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1 **JOHN LONGACRE:** It would have to be
2 where the elevator --
3 **LANCE LANDGRAF:** Yeah.
4 **JOHN LONGACRE:** -- where the
5 elevator is there.
6 It would have to make a door into
7 the right and a door into the left.
8 **JASON SCIULLO:** Yeah. Right in
9 this area.
10 **JOHN LONGACRE:** Yeah.
11 **LANCE LANDGRAF:** Do you think that
12 would compromise the security systems for the
13 residents above? You would have to come up with
14 some way to --
15 **JOHN LONGACRE:** Well, we --
16 [Indiscernible - overtalking]
17 **LANCE LANDGRAF:** -- to get that --
18 **JOHN LONGACRE:** -- have a fob --
19 Yeah. We have a fob system for the
20 residents. The -- the only --
21 You know, they --
22 The only way they would be able to
23 get into their elevator is with their fob.
24 So, I don't think it would -- it
25 would --

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1 **LANCE LANDGRAF:** Okay.
2 **JOHN LONGACRE:** -- it would hurt
3 that.
4 **JASON SCIULLO:** Right.
5 **JOHN LONGACRE:** But, you know, for
6 a retail, it's not ideal. I'd much rather have
7 one on the back or one on the side --
8 **LANCE LANDGRAF:** Sure.
9 **JOHN LONGACRE:** -- and --
10 So, I --
11 You know, I -- I would imagine
12 we're probably gonna come to you guys and ask
13 for approval for a side entrance, if we were
14 able to get that done, because it would make the
15 commercial space that much more appealing.
16 **ROBERT REID:** A question? Could --
17 could the -- could we consider approving a side
18 entrance with a condition that they must produce
19 control of the property adjoining it in order to
20 implement that, whether it be a 99-year lease or
21 a purchase? Is that possible? So they don't
22 have to come back except for that -- providing
23 evidence of that condition?
24 **LANCE LANDGRAF:** Yeah.
25 Scott, could -- would that be

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1 something we could handle with an administrative
 2 submission; that if -- that if the -- the
 3 applicant is asking for that now, with the
 4 condition that they have to come back and show
 5 us, administratively, either the access easement
 6 or control of that land and where those
 7 entrances are gonna be?
 8 **SCOTT COLLINS:** Yeah. We could do
 9 as a -- as a condition.
 10 **LANCE LANDGRAF:** Okay.
 11 **JOHN LONGACRE:** That would be
 12 great.
 13 **LANCE LANDGRAF:** All right.
 14 **JOHN LONGACRE:** Thank you.
 15 **NICHOLAS TALVACCHIA:** I couldn't
 16 hear Scott. I assume that was a "yes"?
 17 **SCOTT COLLINS:** Yep. I'll shake my
 18 head. Yeah.
 19 I'm having an audio problem today.
 20 **NICHOLAS TALVACCHIA:** All right.
 21 Thank you.
 22 All right. That's a good idea.
 23 [Indiscernible - overtalking]
 24 Thank you.
 25 **JASON SCIULLO:** Yeah. Thank you.

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1 **JOHN LONGACRE:** Thank you.
 2 **BY NICHOLAS TALVACCHIA:**
 3 Q. Jay --
 4 And -- and there was also a
 5 question about lighting.
 6 **A. Oh. In front of the building.**
 7 **Yeah.**
 8 **So, I'm gonna pop that image up.**
 9 **I'm gonna need John to probably**
 10 **talk about that a little bit. I'm not**
 11 **completely familiar with some of the -- the**
 12 **building features relative to --**
 13 **JOHN LONGACRE:** So --
 14 **JASON SCIULLO:** -- that.
 15 **JOHN LONGACRE:** So, that the --
 16 That's actually one of the best
 17 parts of the building. It has so many nooks and
 18 crannies. I tell everybody that it looks like a
 19 Harry Potter castle.
 20 We -- we plan on having a nice
 21 lighting package so that, in the evening, it's
 22 uplit and, for safety reasons, it's downlit to
 23 take advantage of all those nooks and crannies
 24 and the shadows it will -- will cast off. It's
 25 gonna look amazing when we get done with our

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1 lighting package.
 2 But, yeah. We'll have safety
 3 lighting coming down and accent lighting going
 4 up. It will be -- it will be bright -- it will
 5 be lit up. You'll be able to see it.
 6 **NICHOLAS TALVACCHIA:** And, John,
 7 you'll --
 8 [Indiscernible - overtalking]
 9 **LANCE LANDGRAF:** "Karen" and
 10 Christine, you're okay with that testimony?
 11 **CHRISTINE COFONE:** Yeah. I think
 12 it would actually look great.
 13 **LANCE LANDGRAF:** Kathryn and --
 14 **CHRISTINE COFONE:** I do. I think
 15 it would have -- it's gonna have great curb
 16 appeal.
 17 **KATHRYN CORNFORTH:** I'm --
 18 **JOHN LONGACRE:** We also have safety
 19 lighting in the alley and in the back, as well.
 20 **KATHRYN CORNFORTH:** I'm okay with
 21 that testimony.
 22 Would we be able to, as a condition
 23 of approval, get -- and just the -- the
 24 isometrics, just to make sure it complies with
 25 -- with all -- with standards?

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1 **NICHOLAS TALVACCHIA:** Yes.
 2 Kathryn, we're fine with that. Yep. That's
 3 fine.
 4 **LANCE LANDGRAF:** Okay. Sorry to
 5 interrupt.
 6 **NICHOLAS TALVACCHIA:** So --
 7 All right. So, we talked about
 8 trash. We talked about access. We talked about
 9 lighting. I --
 10 Unless there's more technical site
 11 plan issues, I'd like to get Jay's testimony on
 12 the variance relief.
 13 **LANCE LANDGRAF:** Please.
 14 **BY NICHOLAS TALVACCHIA:**
 15 Q. All right. Jay, let's talk about
 16 density.
 17 As Ms. Cofone correctly points out,
 18 the standard is, essentially, the standard used
 19 for a conditional use variance, which is does
 20 the site still remain suitable for what we're
 21 proposing, not withstanding the noncompliance?
 22 In this case, we need a larger lot
 23 for this number of units.
 24 **A. Mm-hmm.**
 25 Q. And I think, Jay, what we have

<p style="text-align: right;">54</p> <p>1 discussed is that if this lot had the on-site 2 parking that would be required, it would be a 3 much larger lot. And at that point, you add in 4 the required parking, make the lot bigger to 5 accommodate that, we would not need a density 6 variance. Is that accurate? 7 A. Yeah. Yeah. Especially in light 8 of what the building intensity used to be. The 9 amount of parking demand, the -- the former uses 10 carried within that structure. 11 And either way, whether it's what 12 we propose, which is less parking -- or less 13 parking demand -- I'm sorry -- than what was 14 historically at the site. Either way, if the 15 parking were provided on site, the lot would be 16 at least three-quarters of an acre, at which 17 point we would have the ability to go with 18 slightly more units going by the density 19 provision in the -- in the rules. 20 So, it is just a product of not 21 having parking, which, as everyone probably 22 understands, when this building was built, cars 23 didn't exist. So, there was no parking because 24 there's nowhere to need to park. 25 So, this exists in a lot of urban</p>	<p style="text-align: right;">56</p> <p>1 accurate? 2 A. Yes. 3 Q. And -- and from the standard of the 4 site being able to accommodate the -- the use, 5 is it accurate to say that, while the site 6 doesn't have the required parking, the 7 neighborhood it's in has more than adequate 8 parking? Is that fair? 9 A. Oh, yeah. Absolutely. 10 And -- and you've heard the 11 testimony from me multiple times, and it goes 12 back before even the Tourism District and -- and 13 CRDA had land use control. We then, through 14 multiple projects, starting with, like, The Walk 15 in 2000, parking studies of available surface 16 lots, garages, everything else within walking 17 distance of a lot of these features. And 18 there's thousands of spaces within walking 19 distance of this site. 20 And you guys all know. I mean, 21 it's probably a product of, you know, some shift 22 in economic pattern or whatever, but we never 23 had trouble finding parking in town. There's a 24 ton of surface lots. 25 And for this one, directly across</p>
<p style="text-align: right;">55</p> <p>1 environments this way. 2 And the specific provision, so 3 we're clear, from the land use rules, 4 19:66-5.10, parentheses (a)(1), Roman numeral -- 5 lower case Roman numeral 4, parentheses 9 -- I'm 6 sorry -- 13 -- I apologize -- is a density 7 limitation in the RC zone of 50 units per acre. 8 And we're at 138.2. 9 Again, it's a product of the lot 10 size and the existing building being at the size 11 that it is, which as everyone knows -- 12 Q. Okay. Do you -- 13 I'm sorry. Go ahead. 14 A. No. No. Go ask your question. Go 15 ahead. I'm sorry. 16 Q. Oh. When you did a calculation, 17 the question was, what lot size will we need to 18 accommodate the required parking. You did that 19 calculation, and you concluded that -- and you 20 said it -- roughly three-quarters of an acre -- 21 A. Yes. 22 Q. -- would accommodate the required 23 parking, which would then actually allow a 24 density of 38 space -- 38 units. 25 We're proposing 31. Is that</p>	<p style="text-align: right;">57</p> <p>1 the street is the SJTA parking garage, which is 2 gonna be available. They're putting it up for 3 sale. Surely, we'll be able to get parking 4 there, if needed. 5 But, it's not anticipated that we 6 will have any issue with parking. 7 And, you know, technically, as we 8 mentioned previously, there's that grandfather 9 shortfall; that we don't need to provide it. 10 That was in the 2015 approval that was granted. 11 And in this approval, we submitted, 12 as part of the application, a zoning analysis 13 that did a current analysis of the grandfather 14 shortfall using the current CRDA land use rules 15 and parking standards to show that we still have 16 much less parking required for our proposed 17 arrangement than what was needed historically. 18 NICHOLAS TALVACCHIA: Okay. I -- I 19 want to point out for the record, while, from a 20 code perspective, parking is not required, 21 Mr. Longacre recognizes, from a business 22 perspective, with rental of the units and the 23 -- the businesses, that parking will be 24 required. 25 So, he has been negotiating to</p>

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1 acquire parking.
 2 I don't want that to be seen as a
 3 -- as -- as a requirement because he wants to be
 4 flexible with it, but he recognizes that. And
 5 the parking is there.
 6 So, from --
 7 **BY NICHOLAS TALVACCHIA:**
 8 Q. Jay, from the variance density
 9 standpoint, can this site accommodate the 31
 10 units, notwithstanding the fact that the -- the
 11 -- the density is greater than what's otherwise
 12 permitted?
 13 **A. Yeah. Yeah.**
 14 **And just, you know, keep in**
 15 **perspective that the overall purpose of a**
 16 **density limitation is to not overwhelm the site**
 17 **or its surrounding area and -- and limit the**
 18 **intensity of use.**
 19 **This, again, is less intent than**
 20 **what existed historically at the site.**
 21 **And from a impact on the**
 22 **neighborhood, you know --**
 23 **The -- the previous uses were**
 24 **commercial and ran during the day. Their peak**
 25 **use was during the day.**

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1 **This will activate this space, you**
 2 **know, in -- in off hours, we'll call them,**
 3 **outside of business hours, where most people,**
 4 **residentially, are gonna be here in the evenings**
 5 **and overnight, when, you know, the -- the**
 6 **surrounding area is -- is used less intensely.**
 7 **So, it's -- it's a good mix. It --**
 8 **it's -- it's an efficient use of the ground.**
 9 **It's the -- the right way to activate these**
 10 **neighborhoods that, at night, pretty much go**
 11 **dark.**
 12 **So, this is a really good fit for**
 13 **this area. And the density, as proposed --**
 14 **You know, the -- the units, as**
 15 **mentioned, were larger than a lot of the market;**
 16 **twice the size of other, newer units that are**
 17 **going in.**
 18 **So, it's not like John tried to jam**
 19 **in more than this building could accommodate.**
 20 **He could actually fit more, but he wanted to do**
 21 **larger units, less density.**
 22 **So, I think that we've hit the**
 23 **balance really well on this project. And it**
 24 **definitely will not overwhelm the area or the**
 25 **site.**

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1 Q. So -- so, essentially, Jay, the
 2 analysis is that the parking required to support
 3 this use is already in the neighborhood. It's
 4 just not a part of this lot, which -- which
 5 makes the variance necessary. But, essentially,
 6 the support necessary for this building's
 7 already in place.
 8 **A. Yes. Absolutely.**
 9 Q. So, turning to the negative
 10 criteria --
 11 Well, one more point.
 12 Do you think this --
 13 This is also a building that --
 14 that certainly has historical significance to
 15 the city. We went to that historic commission
 16 --
 17 **A. Mm-hmm.**
 18 Q. -- courtesy review yesterday.
 19 The city people really were happy
 20 it was being restored. And I never --
 21 I believe CRDA people, in the past,
 22 on the first go-round, were also happy about
 23 that.
 24 Is there a benefit, generally,
 25 through the goals of the Tourism District, to

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1 repopulate the city, to have, as it's quoted in
 2 Ms. Cofone's report, "a mix of residential and
 3 commercial uses working seamlessly together"?
 4 Does this project do that?
 5 **A. Absolutely, it does.**
 6 **And -- and it's -- it's one of**
 7 **those ones that, you know, we -- we go on with**
 8 **every project like this, you know, with -- with**
 9 **thinking it's -- it's a great --**
 10 **But, this -- this is, like, exactly**
 11 **what we want to have happen. This is the**
 12 **adaptive reuse of an historic structure that --**
 13 **Emotionally and culturally, people**
 14 **really like this building. If John were to come**
 15 **in and want to take it down and do something**
 16 **else, that would be received much worse than**
 17 **would something like this that we're asking for.**
 18 **So, this relief, for sure, is**
 19 **outweighed -- given that the benefits of this**
 20 **relief -- I'm sorry -- are -- are -- outweigh a**
 21 **potential detriment because this -- this**
 22 **building has to -- it's -- it's --**
 23 **This one, I mean, for all of us,**
 24 **means a lot, emotionally.**
 25 **And John heard it and you heard it**

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1 yesterday with -- with the city, too. Aside
 2 from the people on the street that are saying it
 3 to John for the last five years, the historic
 4 commission has mentioned they -- they were so
 5 excited about this project.
 6 I'm hearing this thirdhand, of
 7 course, from you, Nick. But, that shows that
 8 everyone wants this to be the way it's proposed.
 9 Q. And -- and --
 10 A. So, you have that, for sure, as a
 11 benefit.
 12 Q. Yeah. And I just wanted to point
 13 out. This is New York Avenue. It's right
 14 across the street from parts of the orange loop,
 15 where you do your commercial development and
 16 some residential development.
 17 Does this, overall, fit into a
 18 pattern of development that the CRDA has
 19 encouraged over the last few years?
 20 A. Yeah.
 21 And to be clear, this is one of the
 22 first ones.
 23 You know, John came early. So,
 24 he's one of the -- there -- one of the reasons
 25 that that redevelopment is happening.

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1 So, yes.
 2 Q. And -- and although I don't know
 3 the complete status, right across the street
 4 from this, at the corner of New York and
 5 Atlantic, is another proposed rehabilitation
 6 from a commercial office to residential.
 7 Hopefully, that happens. That would work nicely
 8 with this building, in terms of creating more of
 9 a mass. Are you aware of that project, Jay?
 10 A. I'm not. I'm not. I didn't know
 11 that. That's great.
 12 Q. That came -- that was also on the
 13 agenda yesterday.
 14 But, in any event, the point is,
 15 this area seems ripe for development. And, in
 16 your opinion, this is exactly what is
 17 contemplated by the CRDA master plan?
 18 A. Yes. Absolutely.
 19 [Indiscernible - overtalking]
 20 Q. So --
 21 A. And remember, this -- this building
 22 or this -- this project was envisioned prior to
 23 that master plan being adopted.
 24 So, yes, it is.
 25 Q. And then just let's turn to the

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1 negative criteria; whether or not there's
 2 substantial detriment to the zone plan or public
 3 good. Do you see --
 4 [Indiscernible - overtalking]
 5 A. Well, let me jump into that. Let
 6 me -- let me say, too, that, aside from what we
 7 mentioned about the density and the potential
 8 problems being accommodated by the site, it also
 9 advances a couple purposes of zoning, just to
 10 get it on the record.
 11 Item C from 40:55D, to provide
 12 adequate light, air and open space, since we're
 13 not adding much building volume, I think that
 14 that -- that purpose is served.
 15 And also, because adaptive reuse of
 16 this building ensures that this use doesn't end
 17 up on a vacant piece somewhere else and build a
 18 new building when we could just reuse this.
 19 Item G: To provide sufficient
 20 space at appropriate locations for a variety of
 21 uses to serve the needs of all New Jersey
 22 citizens.
 23 We just talked about how this
 24 building will add residents to this area and --
 25 and diversify, economically, this region and

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1 this section of the city. So, I think it meets
 2 that purpose.
 3 Purpose I: To promote a desirable
 4 visual environment. Again, this building is
 5 awesome the way it is. We're gonna clean it up.
 6 Adaptive reuse again.
 7 And then item J: To promote the
 8 conservation of historic sites and districts.
 9 This is, you know --
 10 I don't know if it's on the
 11 register, but, for sure, it has historic
 12 significance and cultural significance. So, it
 13 hits that purpose.
 14 And then there's that other one
 15 that I've mentioned before, where, when the
 16 proposed improvements are viewed on a whole,
 17 they contribute to the preservation of the
 18 neighborhood character and aesthetics.
 19 And those two additional purposes
 20 are held by the courts for appropriate
 21 consideration of this type of variance relief.
 22 Q. Jay, they're all the special
 23 reasons in terms of supporting the density
 24 variance. Correct?
 25 A. Yes.

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1 **And the -- and the bulk variances**
 2 **for the setbacks, too. They -- they are all,**
 3 **like, mixed together.**
 4 **So, yes.**
 5 Q. In terms of the bulk --
 6 **LANCE LANDGRAF:** I think we lost
 7 Nick there.
 8 [Indiscernible - overtalking]
 9 **CHRISTINE COFONE:** I know. We --
 10 we lost him.
 11 **LANCE LANDGRAF:** Nick, you've got
 12 to restart your bulk variance comments.
 13 **NICHOLAS TALVACCHIA:** Oh. Got it.
 14 Can you hear me now?
 15 **LANCE LANDGRAF:** Yes.
 16 **NICHOLAS TALVACCHIA:** All right.
 17 **BY NICHOLAS TALVACCHIA:**
 18 Q. Jay?
 19 **A. Yes.**
 20 Q. Okay. I'm sorry.
 21 On the bulk variances, we have
 22 minimal variance on the north side; potentially,
 23 one foot height for structural purposes. I
 24 would say that's not discernible to the eye.
 25 On the south side, we're adding

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1 that fifth floor for a portion of the -- of the
 2 building.
 3 Given this location and given the
 4 -- the aesthetic benefits of kind of squaring
 5 off the roof to make it all even, --
 6 **A. Mm-hmm.**
 7 Q. -- do you see any detriment --
 8 Well, we'll talk about the
 9 positives first, in terms of bulk variance for
 10 side yard setback on the south side.
 11 [Indiscernible - overtalking]
 12 Do you see a historic benefit, Jay?
 13 **A. Yes. From the flexible "C"**
 14 **perspective under 70:(c)(2), for -- the benefits**
 15 **in this relief substantially weigh out --**
 16 **outweigh any detriment in the -- in the form of,**
 17 **as mentioned, you know, the -- the aesthetic**
 18 **improvement to the building overall and the**
 19 **inability to see it from the street. Short of**
 20 **having intimate detail of the project as we're**
 21 **sitting here today, when this work is done, no**
 22 **one will really even know that it happened.**
 23 **It's gonna be imperceivable from the surrounding**
 24 **area.**
 25 **And being that there's already this**

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1 **building volume and -- and height on a large**
 2 **part of the building, you know, more than half**
 3 **of the part seen from the street, yeah, I think**
 4 **that it -- that making it consistent and the**
 5 **aesthetic impact and benefit of that is a**
 6 **positive impact.**
 7 Q. And -- and it also promotes
 8 additional units, which promotes the purpose of
 9 -- of appropriate population densities and the
 10 overall goals of the CRDA to repopulate the city
 11 with year-round residents. Is that accurate?
 12 **A. Absolutely. Absolutely, it does.**
 13 **Yes.**
 14 Q. So --
 15 Okay. And -- and the stair tower
 16 variance, same rationale for that; to go up one
 17 story on the stair tower?
 18 **A. Yes.**
 19 **And that's a safety feature,**
 20 **obviously, for fire escape and other things**
 21 **that, even if we didn't have the addition of**
 22 **space on the fifth floor of the existing**
 23 **building that has -- the portion of the building**
 24 **with the fifth floor would have to have a stair**
 25 **tower. So, it's a safety concern as well.**

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1 Q. So -- so, given the existing
 2 condition -- improvement, that's also a
 3 "C" 1 variance hardship. There's -- there's no
 4 practical way to design around that, given the
 5 size of the lot. Is that accurate?
 6 **A. Correct.**
 7 **And -- and if we want to also look**
 8 **at "C" 1 criteria for the building additions, if**
 9 **we were to try to make the fifth floor addition**
 10 **compliant, the building would only be -- the**
 11 **middle portion would be less than 20 feet wide.**
 12 **And that's not an efficient shape of the side.**
 13 **It's an interesting situation with**
 14 **the -- the way the -- the ordinance -- or the**
 15 **rules are written. I'm sorry. The -- the**
 16 **minimal lot where there's 50 feet. And we are**
 17 **allowed zero setbacks for buildings less than 35**
 18 **feet in height.**
 19 **So, the smaller lots are envisioned**
 20 **to have smaller buildings on them, but in this**
 21 **urban environment -- or adaptive reuse, it's**
 22 **just really not practical. This -- this type of**
 23 **structure --**
 24 **And when you look at it, it looks**
 25 **like what's expected in town.**

<p style="text-align: right;">70</p> <p>1 So, yeah. I think it is a hardship 2 to try to -- to comply with those setbacks. 3 Q. Because it's an existing building. 4 Correct? 5 A. Yeah. Completely. Yeah. 6 Everything -- all the -- 7 You know, overall or whatever -- 8 overall, this -- this -- this situation is 9 unique because of this building and because of 10 this lot. It's -- it's not -- it's not 11 something that happens wholesale across the 12 city. 13 This -- this type of thing in this 14 specific situation, yes, it's a hardship. 15 Q. All right. Let's turn to the 16 negative criteria. No substantial detriment to 17 the zone plan or -- and no substantial detriment 18 to the public good. 19 Can you address the first prong of 20 that analysis; the no substantial detriment to 21 the zone plan? 22 A. Yeah. So, as -- as you guys know, 23 that -- that prong is intended to protect the -- 24 the -- the process, generally, to keep from 25 zoning by variance.</p>	<p style="text-align: right;">72</p> <p>1 any potential negative as to the zone plan? 2 A. Oh. There's no negative impact 3 because of that. 4 I mean, it's -- 5 Realistically, the -- the building 6 is at the setback already. It -- it's not -- 7 It wouldn't be -- 8 It would be more unusual to step it 9 back to be compliant than it would be to elevate 10 it -- this -- or to add the addition at this 11 same setback. That would look -- it would look 12 inappropriate, I think. 13 Q. And in terms of, just finally and 14 just going along, but the negative impact to the 15 public. I think you mentioned being -- 16 Not only do you see no negative 17 impact to the public, you see only positives. 18 Is that fair to say? I don't want to put words 19 in your mouth. 20 A. Yeah. Absolutely, it is. 21 And -- and, you know, we'll say the 22 public, overall, from what we heard from -- 23 between the historic commission and -- and John, 24 you know, talking with other people for the last 25 five years about doing this project, overall,</p>
<p style="text-align: right;">71</p> <p>1 So, in this case, as I mentioned, 2 it's -- it's a unique situation. I think that 3 it -- it totally makes sense for this to be a 4 variance rather than some other form of relief. 5 So, the zone plan, zoning ordinance and master 6 plan are -- are protected because of that. 7 Q. And -- and, Jay, in terms of the 8 density, because the parking's already there, 9 this lot is of -- adequate. Do you think that 10 this lot and the density is adequate for what's 11 proposed and consistent with what's 12 contemplated? Again, given that, essentially, 13 the parking is already there but just not part 14 of this lot. 15 A. Yes. Absolutely. This -- this -- 16 this density is appropriate for this area and 17 for this building. 18 Q. And in terms of the -- the -- the 19 setback relief on the -- for the fifth floor on 20 the north side, primarily -- on the south side 21 -- I'm sorry -- primarily, -- 22 A. Mm-hmm. 23 Q. -- you had mentioned that it hardly 24 would be visible and noticeable. 25 Does that -- does that ameliorate</p>	<p style="text-align: right;">73</p> <p>1 it's, for sure, a positive impact. 2 Adding the units or -- or getting 3 the units, you know, completed and leased is 4 gonna be a positive impact to not only the, you 5 know, surround -- the immediately surrounding 6 area, because they're gonna frequent and, 7 hopefully, you know, use these businesses that 8 are already here to -- to do whatever normal 9 course of shopping they would do, John's also 10 gonna bring commercial uses into the building 11 that don't existing currently. So, he's gonna 12 expand on what, hopefully, is already a 13 successful use in -- in the area. 14 So, yeah. It would be a positive 15 impact. 16 And, of course, saving something -- 17 Q. So -- so, -- 18 [Indiscernible - overtalking] 19 -- said in the -- said in the 20 reverse, you see no negative detriment to the 21 public good from this project and the variances? 22 A. Correct. Yes. 23 NICHOLAS TALVACCHIA: All right. I 24 think, Mr. Landgraf, that completes our 25 presentation.</p>

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1 We know there's a report. We've
 2 tried to answer some of the questions within the
 3 reports. And we're available to, you know,
 4 address anything that your professionals have.
 5 **LANCE LANDGRAF:** Thanks, Nick.
 6 Christine and Kathryn, why don't
 7 you guys go through your report? I think it's
 8 dated April 12th.
 9 We'll mark that as B-1, Scott?
 10 **SCOTT COLLINS:** Yes. Thank you.
 11 **KATHRYN CORNFORTH:** From an
 12 engineering perspective, it did cover a lot of
 13 our questions.
 14 I have a -- I just have a couple.
 15 I know --
 16 I believe, from the testimony, the
 17 intent is to -- is to preserve the -- is to
 18 preserve the building.
 19 There "were" no information related
 20 to any -- any sign that may or may not be
 21 planned. Because you guys do have retail on the
 22 first floor, do you guys intend to have any
 23 signs? And if so, what kind --
 24 [Indiscernible - overtalking]
 25 **NICHOLAS TALVACCHIA:** Kathryn, we

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1 had talked -- we had talked to Mr. Longacre
 2 about that.
 3 Right now, we don't have it. This
 4 --
 5 The --
 6 We would go to the CRDA for
 7 administrative sign approval.
 8 **JOHN LONGACRE:** I'm antisign, just
 9 --
 10 **NICHOLAS TALVACCHIA:** I'm -- I'm
 11 sorry?
 12 **JOHN LONGACRE:** I'm an antisign
 13 guy. I don't like signage.
 14 **NICHOLAS TALVACCHIA:** Okay. He
 15 doesn't like signs.
 16 **JOHN LONGACRE:** What I would go --
 17 **NICHOLAS TALVACCHIA:** Okay.
 18 **JOHN LONGACRE:** -- to is, maybe,
 19 some window signage; you know, stenciled window
 20 stuff, or perhaps a muralist to do a ghost sign
 21 high up.
 22 But, nothing -- nothing sticking
 23 off the building. No star bolts, no lights,
 24 nothing like that.
 25 **KATHRYN CORNFORTH:** Okay. You

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1 answered that question.
 2 We talked about lighting.
 3 Oh. Just for -- for the record,
 4 again, you guys were talking about your intent
 5 is to preserve the building.
 6 You mentioned repair -- the
 7 structural repairs. Obviously, you're -- you're
 8 adding a -- a fifth floor. I get the other
 9 structural repairs in terms of -- related to
 10 that.
 11 Anything that you're doing to the
 12 outside, can you just do a quick description of
 13 the -- any -- any outside repairs that you had
 14 mentioned on -- on the -- called out on the
 15 plans?
 16 **JOHN LONGACRE:** Yeah. So -- so,
 17 the windows were, I guess, broken over the years
 18 and filled with crappy Plexiglas, and a lot of
 19 the -- a lot of the -- the rounded edges have
 20 been rotted and just kind of filled in. We're
 21 gonna have all them redone, restored.
 22 All the original doors that are
 23 like a thousand pounds each with the -- the --
 24 the brass fittings, they're all gonna be
 25 restored or brought back.

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1 Believe it or not, when you look at
 2 the building now, you can't tell, but under 15
 3 of those rebuilds, there's a beautiful grand
 4 entrance with huge mouldings and glass around
 5 it. We're gonna bring all of that back so you
 6 can actually see into it.
 7 We're gonna have to do some
 8 pointing.
 9 **KATHRYN CORNFORTH:** Mm-hmm.
 10 **JOHN LONGACRE:** There's --
 11 They're -- they're -- they're --
 12 The bricks are in pretty decent
 13 shape, I mean, but there's gonna have to be some
 14 pointing. We're gonna clean the brick, restore
 15 all the mouldings, bring the front entrance
 16 back.
 17 It's gonna be -- it's gonna look
 18 150 times better than it does now. It -- it's
 19 gonna look like it did, you know, 50, 70 years
 20 ago.
 21 **KATHRYN CORNFORTH:** Okay. Yeah. I
 22 just figured for -- just wanted it for the
 23 record. And everything sounds great.
 24 Just for clarity, when we're --
 25 when you guys were talking about trash removal,

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1 you were only -- and the trash area, you guys
 2 were only talking about the residents. Is the
 3 same area gonna be used for the -- for the
 4 retail places?
 5 **NICHOLAS TALVACCHIA:** Yes.
 6 **JOHN LONGACRE:** I envision two
 7 four-yard Dumpsters next to each other, --
 8 **KATHRYN CORNFORTH:** Okay.
 9 **JOHN LONGACRE:** -- separate.
 10 **KATHRYN CORNFORTH:** And then --
 11 Well, you -- you already talked
 12 about access. I just have one question.
 13 I know you mentioned when, if you
 14 can't get the exterior door for the -- for the
 15 -- the back retail part, you mentioned that
 16 there's key fobs for the elevator.
 17 The stairwell that's back there, is
 18 the -- is the key fob to -- for the -- the -- a
 19 door on the stairwell as well for the residents
 20 or --
 21 **JOHN LONGACRE:** Yeah. We could do
 22 either key fob or code --
 23 **KATHRYN CORNFORTH:** Okay.
 24 **JOHN LONGACRE:** -- for one of those
 25 doors.

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1 **KATHRYN CORNFORTH:** And I believe
 2 that was the extent of my questions.
 3 **NICHOLAS TALVACCHIA:** Thank you.
 4 **LANCE LANDGRAF:** Thanks. Thanks,
 5 Kathryn.
 6 I want to see how Karen puts the --
 7 the singing do-do-do-do-do. Yeah.
 8 **THE COURT REPORTER:** She won't.
 9 She will wait until words come out and write
 10 them.
 11 **LANCE LANDGRAF:** Come on. You've
 12 got to add some humor to this.
 13 **THE COURT REPORTER:** Ha, ha, ha.
 14 **LANCE LANDGRAF:** Especially when
 15 the engineers are talking. We've got to get
 16 some in there.
 17 **NICHOLAS TALVACCHIA:** At least the
 18 lawyers didn't get blamed, for once.
 19 **LANCE LANDGRAF:** Oh. Just wait,
 20 Nick. I'll get to you.
 21 All right. Christine, if you want
 22 to go through your portion of that.
 23 **CHRISTINE COFONE:** Yeah.
 24 Hi. Good morning.
 25 **NICHOLAS TALVACCHIA:** Good morning.

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1 **CHRISTINE COFONE:** So, our -- our
 2 comments start on page 11.
 3 I --
 4 **LANCE LANDGRAF:** Whoops. Hang on,
 5 Christine. One second.
 6 **CHRISTINE COFONE:** Yep.
 7 **LANCE LANDGRAF:** Scott, we could
 8 probably -- should probably swear in --
 9 **CHRISTINE COFONE:** Oh. Yes.
 10 **LANCE LANDGRAF:** -- Kathryn, and
 11 then Christine, as well.
 12 **SCOTT COLLINS:** Okay. Let me just
 13 do you one at a time. Kathryn first. And we'll
 14 make your oath retroactive if you affirm.
 15 Could you raise your right hand?
 16 Do you swear to tell the truth, the whole truth
 17 and nothing but the truth in your testimony here
 18 today?
 19 **KATHRYN CORNFORTH:** Yes.
 20 **SCOTT COLLINS:** Okay. And then,
 21 for purpose of the record, Kathryn is appearing
 22 as an engineer -- I'll let Lance do this -- but
 23 your testimony was presented as a professional
 24 engineer.
 25 Lance, you'll recognize her

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1 credentials?
 2 **LANCE LANDGRAF:** Yes. Absolutely.
 3 **SCOTT COLLINS:** And then with
 4 respect to Christine, who's about to begin, your
 5 testimony will be as a professional planner?
 6 **CHRISTINE COFONE:** Correct.
 7 **LANCE LANDGRAF:** Also -- also
 8 acceptable.
 9 Thank you, Scott.
 10 **SCOTT COLLINS:** Thank you all.
 11 **CHRISTINE COFONE:** So, again, good
 12 morning.
 13 **LANCE LANDGRAF:** The floor is
 14 yours, Christine.
 15 **CHRISTINE COFONE:** Yep.
 16 Good morning. For the record,
 17 Christine Cofone.
 18 Thank you for your presentation.
 19 As always, very comprehensive.
 20 The standard of proof as -- is
 21 outlined on page 11 of our joint report with
 22 ARH, the April 12th report I've referred to
 23 earlier.
 24 The standard here, when you're
 25 dealing with a D(4) variance, is you don't have

<p style="text-align: right;">82</p> <p>1 to establish particular suitability. What you 2 have to establish is, can the site handle the 3 excess density. 4 And I think Mr. Sciullo did a nice 5 job of talking about the fact that the units are 6 larger, and they could actually support more 7 units in the building based on the -- the square 8 footage that exists, as well as the parking 9 area. 10 So, I think that that's something 11 that's persuasive in, you know, understanding 12 can the site handle the -- the -- the density 13 that's being proposed. 14 And certainly, the availability of 15 parking in the general area is something that 16 we've considered on other applications that have 17 been pending before the CRDA. 18 I think you cited a lot of the 19 stated purposes of the Municipal Land Use Law. 20 I agree with all of them that you stated. I 21 think they are furthered by this application. 22 I would also point out, Mr. Sciullo 23 -- I know you indicated, when you relied on 24 criteria J for the promotion of historic sites, 25 that this is not on the historic register. But,</p>	<p style="text-align: right;">84</p> <p>1 CHRISTINE COFONE: It would also be 2 an amenity for the residents, because I think, 3 you know, you would hate -- almost hate to 4 foreclose on the opportunity to have the 5 residents use it if they wanted to go up there 6 and have a cup of coffee -- have their morning 7 coffee or something and they -- they were doing 8 work. So... 9 JOHN LONGACRE: No, no, no. Right. 10 I'm with you. So, I totally get where you're 11 coming from. 12 So, one of the things that have 13 become more important as we -- we're -- we build 14 in Philadelphia is outside space. People -- 15 CHRISTINE COFONE: Yes. 16 JOHN LONGACRE: -- want outside 17 space to be able to go -- have their morning 18 coffee. 19 They want to be able to go out 20 there with their laptop. 21 So, what we've done is really go to 22 the nth degree, even in situations that we have 23 to really build around, to create these outdoor 24 pocket areas that people can use. Because 25 working from home and -- and having that outside</p>
<p style="text-align: right;">83</p> <p>1 I don't think that the land use law requires 2 that it be on the historic register for reliance 3 on that -- that purpose; that -- 4 The land use law does not even 5 reference it being on the historic register. It 6 just talks about preserving historic sites, 7 which this clearly is, and has some merit to 8 preserve that. 9 So, I think that that's appropriate 10 for you to rely on. 11 I -- I suppose, I guess, the only 12 thing we need to really be concerned with from a 13 planning point of view for conditions of 14 approval is the use of that deck plan. I mean, 15 I think we -- we want to see that. Both Kathryn 16 and I, I think, would -- would want to see the 17 use plan for the top of that deck. But, I think 18 that that's something we could certainly do as a 19 condition of approval. 20 I know you said that it's not going 21 to be a party deck, but it's gonna be used for 22 work at home, but I've -- 23 You know, so if you could just 24 elaborate on if -- if -- 25 JOHN LONGACRE: Yeah. Sure.</p>	<p style="text-align: right;">85</p> <p>1 space is -- is literally critical to the type of 2 customers that -- that use our -- our amenities 3 and our businesses, are in our apartments and 4 come to our restaurants. 5 So -- so, since we started this 6 project, we had originally proposed it, but, 7 now, five years later, it's even more important. 8 And what I meant by "not a party 9 deck" is, you know, our -- our client -- our -- 10 our main customers are 25 to 65, you know. 11 CHRISTINE COFONE: Sure. 12 JOHN LONGACRE: So, I don't 13 envision it as a -- as a deck with, you know, 14 people partying and -- 15 I mean, I would do that just 16 because it would -- it would create a problem 17 with the other tenants. Do you know what I 18 mean? 19 CHRISTINE COFONE: Yeah. 20 JOHN LONGACRE: I -- I didn't -- I 21 didn't mean exclusively work. 22 But, I would envision probably more 23 than half of the people that rent from us -- 24 CHRISTINE COFONE: Yeah. 25 JOHN LONGACRE: -- would use it for</p>

<p style="text-align: right;">86</p> <p>1 work; to work from home, to work outside. 2 And that's gonna be the primary 3 focus of it. We want to be able to offer it as, 4 you know, an outside space where people can work 5 from home. 6 CHRISTINE COFONE: Definitely. I 7 -- 8 Just from a planning point of view, 9 you know, we would like to see that area 10 activated so that the residents of this 11 community can enjoy it. 12 So, that would be my -- just my 13 suggestion when you're -- you're -- 14 JOHN LONGACRE: Yeah. 15 CHRISTINE COFONE: -- doing -- 16 you're programming that. 17 You know, I'll look -- I'll look 18 forward to seeing that. 19 JOHN LONGACRE: Okay. 20 CHRISTINE COFONE: And that's it. 21 I don't think I had any other questions. 22 I don't disagree with you on the 23 signage. I -- I think that that's great to 24 hear; -- 25 JOHN LONGACRE: Yeah.</p>	<p style="text-align: right;">88</p> <p>1 satisfied for both the "D" variance for the 2 density as well as the bulks. 3 NICHOLAS TALVACCHIA: Thank you, 4 and -- 5 Thank you, Ms. Cofone -- 6 CHRISTINE COFONE: You're welcome. 7 NICHOLAS TALVACCHIA: -- and 8 Mr. Landgraf. 9 I just want to clarify. 10 On our plans, we do show the stair 11 tower going above the height of the fifth floor, 12 for access purposes. I just want to clarify 13 that. So, that -- that -- that goes up above 14 the height at the proposed -- of the existing 15 and proposed fifth floor. 16 And it -- it is shown on one of the 17 elevations. I don't know if we discussed it in 18 any great length. But, that's the intent. 19 JASON SCIULLO: Oh. You mean to 20 get to the roof. 21 NICHOLAS TALVACCHIA: To get to the 22 roof. Exactly. 23 LANCE LANDGRAF: Right. 24 JASON SCIULLO: Okay. 25 LANCE LANDGRAF: I think I saw that</p>
<p style="text-align: right;">87</p> <p>1 CHRISTINE COFONE: -- that you 2 would like to have understated, at best, 3 signage. 4 I think that that really speaks to 5 you -- your integrity for -- for the 6 architecture and the curb appeal of the project. 7 And that's it. I have nothing 8 further. All my questions have been answered. 9 And I think that Mr. Sciuillo, as he 10 always does, has put all of the required proofs 11 on -- on the record. 12 I think it's appropriate here to 13 rely on the "C" 1 and "C" 2 statutory criteria 14 for the grant of the variances. 15 The lawful pre-existing structures 16 on a property are textbook parameters for the 17 grant of a "C" 1 variance. 18 And here, particularly with regard 19 to the rear yard setback and the stairwell, 20 you're doing that to make the site safer. So, I 21 think it's -- you know, it would -- it would 22 also fall under the "C" 2 as just a better 23 zoning alternative. 24 So, I see no issue with the 25 testimony. I think the record has been</p>	<p style="text-align: right;">89</p> <p>1 on the plan. I'm comfortable with that. 2 NICHOLAS TALVACCHIA: Okay. And 3 that -- that's all we have. 4 And -- and I do want to just say 5 this: I know the CRDA worked with us to get 6 this moving quickly so that Mr. Longacre can 7 proceed with the project. 8 I want to thank everybody for 9 working with us, taking their time out. I know 10 we were at Easter break and some people were 11 traveling and whatnot. Spring break. So, I do 12 appreciate all the efforts. 13 And -- and, you know, it's all good 14 news from our side in terms of your efforts to 15 promote this project -- or not promote -- that's 16 probably the wrong word -- but to support us 17 getting a quick hearing on this. And I -- we 18 thank you sincerely for that. 19 JOHN LONGACRE: Thank you. 20 LANCE LANDGRAF: All right. 21 Thanks, Nick. 22 And -- and thanks, Christine and 23 Kathryn. 24 I'm gonna open it up to the public 25 now for any comments.</p>

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1 If there's anyone in the public
 2 that wishes to make a comment, please either
 3 raise your hand or make it known and Dan will --
 4 will open it up to -- to speak.
 5 I see Don Guardian is -- is here.
 6 Don, if you're ready, please state
 7 your name and we'll --
 8 Scott, do we swear in a witness --
 9 or public, or no?
 10 **SCOTT COLLINS:** No.
 11 **LANCE LANDGRAF:** No.
 12 Okay. Mr. Guardian.
 13 [Indiscernible - overtalking]
 14 **SCOTT COLLINS:** For public comment,
 15 we have found that it's not necessary.
 16 MALE SPEAKER FROM THE VIRTUAL
 17 AUDIENCE (DONALD GUARDIAN): Thank you. Am I
 18 unmuted?
 19 **LANCE LANDGRAF:** You are.
 20 MALE MEMBER FROM THE VIRTUAL
 21 AUDIENCE (DONALD GUARDIAN): My name is Don
 22 Guardian, and I'm speaking today both as a
 23 33-year owner and -- property owner living in
 24 Atlantic City, as well as the former mayor.
 25 I -- I wanted to comment that I

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1 think that the Morris Guards Armory is probably
 2 one of the most attractive buildings that's
 3 still left in Atlantic City. And so I wanted to
 4 comment that this is a great reuse for saving
 5 this hundred-year-old building.
 6 I -- I think the housing that
 7 they're proposing, which is workforce housing,
 8 is -- is perfect. This is a great location to
 9 walk to city hall, to the county offices, to the
 10 county courthouse, to a lot of the professional
 11 buildings, as well as to walk to a number of
 12 casinos on the boardwalk for employment.
 13 I -- I wanted to comment that I do
 14 know John Longacre, and I think he has an
 15 excellent reputation for building. I'm -- I'm
 16 specifically thinking of 10 South New York
 17 Avenue.
 18 But, I also wanted to comment,
 19 although every elected official that had nothing
 20 to do with the orange loop is now taking credit
 21 for the orange loop, it actually was John
 22 Longacre who forced myself and Elizabeth
 23 Terenik, who was the city planner several years
 24 ago, to meet him and his wife in Philadelphia.
 25 And he took us around and showed us

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1 several really derelict neighborhoods that were
 2 doing start-ups that were reviving those
 3 neighborhoods.
 4 If I remember, John and his wife
 5 were actually raking up glass on -- on a
 6 location that they were opening up that night
 7 for a party.
 8 But, they -- they actually showed
 9 us Tennessee Avenue and New York Avenue as a
 10 possible location.
 11 So, with his background now, I love
 12 the fact that he's gonna try to bring in the --
 13 the marketplace in Philadelphia type of
 14 residents for the first floor.
 15 So, I -- I also want to say that,
 16 you know, this type of one-and-two-bedroom
 17 residence will have very little impact on -- on
 18 the school system.
 19 And I would hope that the city
 20 would consider a PILOT for this as well.
 21 I can't think of a better rehab to
 22 save this building. And I -- I think the
 23 residents of Atlantic City would feel the same
 24 way.
 25 So, we're thrilled with CRDA and

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1 with John and this next proposal and his
 2 dedication to our city.
 3 **NICHOLAS TALVACCHIA:** Thank you,
 4 Mayor.
 5 **JOHN LONGACRE:** Thank you.
 6 **LANCE LANDGRAF:** Thank you,
 7 Mr. Guardian.
 8 I see Barbara Woolley-Dillon has
 9 raised her hand as well.
 10 Barbara? Barbara, you're unmuted
 11 if you want to speak.
 12 Okay. Let's skip.
 13 Is there anyone else in the public
 14 that wishes to speak on this application?
 15 We'll give Barbara one more chance.
 16 Barbara, if you want to say
 17 anything, speak now or forever hold your peace.
 18 FEMALE MEMBER FROM THE VIRTUAL
 19 AUDIENCE (BARBARA WOOLLEY-DILLON): I'm -- I'm
 20 trying.
 21 **LANCE LANDGRAF:** Oh. I can barely
 22 hear you.
 23 FEMALE MEMBER FROM THE VIRTUAL
 24 AUDIENCE (BARBARA WOOLLEY-DILLON): Okay. Hold
 25 on.

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1 **LANCE LANDGRAF:** There you go.
2 FEMALE MEMBER FROM THE VIRTUAL
3 AUDIENCE (BARBARA WOOLLEY-DILLON): I'm trying.
4 Can you hear me now?
5 **NICHOLAS TALVACCHIA:** Yes.
6 **LANCE LANDGRAF:** We can.
7 Please state your name and -- and
8 your position with the city.
9 FEMALE MEMBER FROM THE VIRTUAL
10 AUDIENCE (BARBARA WOOLLEY-DILLON): Yes. It's
11 Barbara Allen Woolley-Dillon. I'm director of
12 planning and development for the city.
13 I have heard so many great things
14 about the applications today.
15 I want to thank Nick and the
16 applicant, personally, for, on such quick
17 notice, making a very -- really great courtesy
18 presentation to the city's new historic planning
19 commission.
20 The commission was very impressed
21 with the project. They love it. They're
22 willing to do whatever it takes to help this
23 project move along.
24 It's a great adaptive reuse of this
25 building. And, as the city's planning director,

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1 it's doing what we want to do here in the city
2 and need to do.
3 So, we always, always support our
4 businesses.
5 This is an exceptional project, and
6 I think it's really going to help the city come
7 back to life, especially in this area.
8 **LANCE LANDGRAF:** Okay. Thank you,
9 Barbara.
10 Anyone else want to speak on this
11 application?
12 Seeing none, I'll close the public
13 portion.
14 Anything from our side, Scott? Do
15 you have any closing comments?
16 **SCOTT COLLINS:** Nothing here.
17 Thank you.
18 **LANCE LANDGRAF:** Christine?
19 Kathryn?
20 **CHRISTINE COFONE:** No, sir. All
21 done.
22 **KATHRYN CORNFORTH:** Yep.
23 **LANCE LANDGRAF:** Okay. Rob, you're
24 good?
25 **ROBERT REID:** No. We're good.

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1 We're good. Thank you.
2 **LANCE LANDGRAF:** Kathryn, I'm
3 sorry. Did you have anything?
4 **KATHRYN CORNFORTH:** Oh. No.
5 **LANCE LANDGRAF:** Okay. It looks
6 like she froze up a little bit there.
7 With no additional testimony, we'll
8 close the application -- the testimony on this
9 matter.
10 And as we always do, we try and get
11 this on our next board meeting, which will be on
12 May 18th, for a final approval -- for approval
13 from our board.
14 Our next hearing will be on May 6.
15 I -- as I had said before, we'll have an
16 application on the North Beach Mini Golf,
17 carried from today. That meeting will start at
18 -- at 10 a.m. on May 6th.
19 And again, we will get every effort
20 to get this application, today's application, on
21 the May 18th board meeting for action.
22 If there's no other public comment,
23 we will close the meeting.
24 And we are adjourned.
25 Thank you, everybody.

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1 Dan, thank you.
2 Thanks, everybody.
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4 (This public hearing concluded at
5 11:16 a.m.)
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