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CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

NORTH BEACH MINI GOLF, LLC

THE APPLICANT IS SEEKING  
PRELIMINARY AND FINAL SITE PLAN APPROVAL TO  
PERMIT THE CONSTRUCTION OF AN 18-HOLE MINI GOLF  
AMUSEMENT/ENTERTAINMENT VENUE CONSISTING OF A  
RAISED DECK, PEDESTRIAN BRIDGE TO BOARDWALK, AND  
BICYCLE RENTALS. THE APPLICATION INCLUDES A  
REQUEST FOR "D" VARIANCE, VARIANCE RELIEF FOR  
FRONT YARD SETBACK, SIDE YARD SETBACK, PARKING,  
SIGNAGE, LOT DEPTH, AND ANY OTHER VARIANCES,  
WAIVERS, OR OTHER RELIEF THAT IS DEEMED  
NECESSARY AND/OR APPROPRIATE.

BLOCK 82, LOT 2  
120 Euclid Avenue,  
Atlantic City, New Jersey

Thursday - May 20, 2021

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CSR COURT REPORTING SERVICES, LLC  
Certified Court Reporters & Videographers  
1125 Atlantic Avenue  
Suite 543  
Atlantic City, New Jersey 08401  
609-641-7117 Fax 609-641-7640

2	<p>1 Public hearing in the</p> <p>2 above-referenced matter, taken via the</p> <p>3 videoconference software program Zoom, with all</p> <p>4 participants in separate locations due to the</p> <p>5 State of New Jersey's COVID-19 lockdown, before</p> <p>6 Karen A. Haworth, a New Jersey Certified Court</p> <p>7 Reporter (CCR), nationally certified Registered</p> <p>8 Professional Reporter (RPR), nationally</p> <p>9 certified Certificate of Merit holder (CM),</p> <p>10 nationally certified Certified Realtime Reporter</p> <p>11 (CRR), nationally certified Certified LiveNote™</p> <p>12 Reporter (CLR), and Notary Public of the State</p> <p>13 of New Jersey, on the above date, commencing at</p> <p>14 10:02 a.m., there being present:</p> <p>15</p> <p>16 <b>APPEARANCES:</b></p> <p>17 <b>CASINO REINVESTMENT DEVELOPMENT AUTHORITY:</b></p> <p>18</p> <p>19 LANCE B. LANDGRAF, JR.</p> <p style="padding-left: 20px;">Chairman</p> <p>20 Director, Planning Department</p> <p>21</p> <p>22</p> <p>23 ROBERT L. REID</p> <p style="padding-left: 20px;">Land Use Enforcement Officer</p> <p>24</p> <p>25</p>
3	<p>1 <b>PROFESSIONALS TO THE BOARD FOR THIS HEARING:</b></p> <p>2 SCOTT G. COLLINS, ESQUIRE</p> <p style="padding-left: 20px;">RIKER, DANZIG, SCHERER, HYLAND &amp; PERRETTI</p> <p>3</p> <p style="padding-left: 20px;">JANE FONTANA, ESQUIRE</p> <p>4 Assistant General Counsel, CRDA</p> <p>5</p> <p>6 CHRISTINE COFONE</p> <p style="padding-left: 20px;">Cofone Consulting Group, LLC</p> <p>7</p> <p style="padding-left: 20px;">PROFESSIONALS TO THE BOARD FOR THIS HEARING -</p> <p>8 <b>CONTINUED:</b></p> <p>9</p> <p>10 KATHRYN CORNFORTH</p> <p style="padding-left: 20px;">Adams, Rehmann &amp; Heggan</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 <b>COUNSEL FOR THE APPLICANT:</b></p> <p>18</p> <p>19 CHRISTOPHER BAYLINSON, ESQUIRE</p> <p>20 PERSKIE, MAIRONE, BROG, BARRERA</p> <p>21 &amp; BAYLINSON, ESQUIRES</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
4	<p style="text-align: center;">1 INDEX</p> <p>2</p> <p>3 WITNESS(ES) PAGE NO.</p> <p>4 NICHOLAS INTRIERI 14</p> <p>5</p> <p>6 MICHAEL INTRIERI 21</p> <p>7</p> <p>8 ARTHUR PONZIO</p> <p>9 By: Christopher Baylinson 24</p> <p>10</p> <p>11 THOMAS DASE</p> <p>12 By: Christopher Baylinson 25</p> <p>13</p> <p>14 DAVID SHROPSHIRE</p> <p>15 By: Christopher Baylinson 60</p> <p>16</p> <p>17 ELEANOR MURRAY 72</p> <p>18</p> <p>19 BARRY BARNES 74</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
5	<p>1 EXHIBITS MARKED AND/OR REFERRED TO:</p> <p>2 A-1</p> <p>3 A-2</p> <p>4 A-3</p> <p>5</p> <p>6</p> <p>7 B-1</p> <p>8</p> <p>9</p> <p>10 O-1</p> <p>11 O-2</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>

6	<p>1 [COURT REPORTER'S NOTE:  2 THIS DEPOSITION WAS CONDUCTED VIA  3 THE VIDEOCONFERENCE SOFTWARE PROGRAM ZOOM.  4 DURING THE TIME OF THIS  5 DEPOSITION, THE STATE OF NEW JERSEY WAS  6 UNDER LOCKDOWN RESTRICTION DUE TO THE  7 COVID-19 PANDEMIC.  8 ALL ATTENDEES TO THIS DEPOSITION  9 WERE PARTICIPATING FROM THEIR OWN  10 WORKSPACE THROUGH THEIR COMPUTER OR  11 CELLULAR TELEPHONE.  12 THE COURT REPORTER WILL ACKNOWLEDGE  13 WITHIN THIS TRANSCRIPT ANY POOR INTERNET  14 CONNECTION AND VIDEOCONFERENCE PLATFORM  15 CUTOUTS WHERE TESTIMONY DID NOT CEASE]  16  17  18  19 (Time noted: 10:02 a.m.)  20  21 <b>LANCE LANDGRAF:</b> Okay. I'd like to  22 call to order the May 20th CRDA Land Use  23 Regulation and Enforcement Division hearing.  24 If everyone would please rise -- or  25 at least pretend to rise for the Pledge of</p>	8	<p>1 [Indiscernible - overtalking]  2 We will then come back to our staff  3 for their report. And then we'll open it up to  4 the general public for -- for comments  5 across-the-board.  6 The first thing I'd like to ask is,  7 Rob, do we have proper notice on the  8 application?  9 <b>ROBERT REID:</b> Yeah. Notice was  10 reviewed for the prior hearing that was  11 scheduled and -- and had since been tabled till  12 today.  13 So, yes, we have proper notice, and  14 we have jurisdiction to hear the application.  15 <b>LANCE LANDGRAF:</b> Okay. With that,  16 Mr. Baylinson, I'll turn it over to you for your  17 presentation on the application. Please  18 introduce your witnesses and -- and your  19 application.  20 <b>CHRISTOPHER BAYLINSON:</b> Thank you.  21 Mr. Landgraf, members of CRDA,  22 hearing officers, and -- and members of the  23 public.  24 My name's Chris Baylinson. I  25 represent North Beach Miniature Golf, LLC and</p>
7	<p>1 Allegiance because you're home.  2 (The Pledge of Allegiance was  3 recited at this time.)  4 <b>LANCE LANDGRAF:</b> Thank you.  5 Hopefully, soon we'll be doing that in person.  6 This hearing has been noticed in  7 accordance with the Senator Byron M. Bear Open  8 Public Meetings Act.  9 We have just one item on today's  10 agenda, and it was carried from our May 6th  11 hearing. That is the application number  12 2021-03-2931, North Beach Mini Golf, LLC.  13 The property in -- in reference to  14 this is 120 Euclid Avenue; Block 82, Lot 2 on  15 the tax map of the city of Atlantic City.  16 I see Mr. Baylinson is here,  17 representing the application.  18 We're going --  19 Just to make sure everybody knows  20 how we're gonna handle this today, we're gonna  21 have the applicant present his -- his case.  22 We have at -- at least one objector  23 that has notified us that she wants to speak on  24 this application. She would be able to present  25 her case after that.</p>	9	<p>1 their principals, Michael and Nicholas Intrieri,  2 who are, I see, just logged on.  3 What this application is before you  4 is for a "D" variance with a "C" variance for  5 parking and setbacks in order to develop a  6 miniature golf course along with accessory --  7 along -- along with bike rental at the boardwalk  8 on Euclid Avenue. And the property is at 120  9 Euclid Avenue, identified on the tax map as Lot  10 2 in Block 82.  11 The property is about an 8,500  12 square foot parcel which is vacant, but it sits  13 on a block with all other recreational uses.  14 I say that because miniature golf  15 is not an identified permitted use in the zone  16 where the project is, the LH2 Lighthouse-2 zone.  17 However, other commercial uses are permitted in  18 the zone. And it just so happens that the block  19 where North Beach Miniature Golf would like to  20 be is a block that has the park and the other --  21 and the courts.  22 It's the -- it -- it is the only  23 empty parcel on that block, and the block has  24 only recreational uses. We believe, in light of  25 the relief that's requested, it really is a</p>

<p style="text-align: right;">10</p> <p>1 perfect spot for the miniature golf course.  2 The site, it will be a two-level  3 miniature golf course, with the second level  4 closer to the boardwalk, and that way, there is  5 access directly to the boardwalk as well as from  6 the street.  7 It is anticipated that there will  8 be bike rental also on -- on the boardwalk at  9 the site for those who are on the boardwalk,  10 coming to the site or coming to the site from  11 Euclid Avenue.  12 As the -- as -- as you guys are  13 well aware, there's no parking in that area, so  14 there's no parking available. But, if you look  15 at miniature golf courses in the site -- in --  16 in the area, particularly the one in Atlantic  17 City, by the Convention Center, or the one  18 recently built in Margate or the one that was in  19 Margate before, none of them have any parking.  20 It's primarily because this -- this type of use  21 can survive and thrive without parking because  22 they are located in areas where pedestrian  23 traffic are what most -- most of the time  24 populated at the site and oftentimes, in the  25 summertime, bicycle traffic. People -- people</p>	<p style="text-align: right;">12</p> <p>1 should have done that before your presentation,  2 Chris -- or your opening, Chris, but...  3 Scott, do you want to swear them in  4 all at once or do you want to do them  5 one-by-one?  6 <b>SCOTT COLLINS:</b> I -- I think we  7 should do them as they're called.  8 <b>LANCE LANDGRAF:</b> Okay.  9 <b>SCOTT COLLINS:</b> But, I -- I would  10 just note for the record that Christine and  11 Kathryn are CRDA's planning and engineering  12 consultants. They have previously been  13 qualified as experts. They remain under oath.  14 And that would apply to the previous statement  15 just made.  16 <b>LANCE LANDGRAF:</b> No problem. Thank  17 you.  18 <b>CHRISTOPHER BAYLINSON:</b> Mike --  19 Mike and Nick, introduce yourselves, one at a  20 time, obviously. You're going to need to be  21 sworn. And then, between the two of you, you  22 can just let us know which one's gonna speak.  23 What these guys are gonna talk  24 about is is their entry into Atlantic City, of  25 being new to Atlantic City and -- and why they</p>
<p style="text-align: right;">11</p> <p>1 arrive at the site by bicycle.  2 So, parking is not an issue with  3 respect to the success of the site.  4 And we have Dave Shropshire here  5 with us today, who's going to give testimony  6 with respect to the availability of parking in  7 the area, which will more than satisfy the need  8 from the course.  9 I have --  10 Mike and Nick should be sworn,  11 Mr. Landgraf, as well as Art Ponzio, our  12 professional planner, as well as Dave  13 Shropshire, our professional engineer, who has a  14 concentration in traffic engineering. Okay.  15 <b>LANCE LANDGRAF:</b> Right before we do  16 that, if I could just take one step back and ask  17 Kath -- Kathryn and Christine to comment on  18 completeness of the application.  19 <b>CHRISTINE COFONE:</b> Yes. The  20 application is complete and ready for review.  21 In the ARH review letter, Kathryn's  22 office has gone through all the documents that  23 were submitted, and it appears that we are ready  24 to proceed.  25 <b>LANCE LANDGRAF:</b> Okay. Sorry. I</p>	<p style="text-align: right;">13</p> <p>1 believe this is a site to develop a very  2 successful miniature golf course and -- and how  3 it is they arrived at -- at this location.  4 <b>SCOTT COLLINS:</b> Who do we have  5 first?  6 <b>CHRISTOPHER BAYLINSON:</b> I -- I  7 think you both can be sworn together, and then  8 --  9 Who's gonna talk first, you guys?  10 Mike, you're on mute.  11 Who's gonna speak first, you guys?  12 <b>NICHOLAS INTRIERI:</b> Chris, I'm  13 gonna speak first. I will go first.  14 <b>CHRISTOPHER BAYLINSON:</b> Sorry, Nick  15 -- sorry, Nick. I couldn't hear you.  16 <b>NICHOLAS INTRIERI:</b> I --  17 You can --  18 I'm gonna speak first.  19 <b>CHRISTOPHER BAYLINSON:</b> Very good.  20 <b>SCOTT COLLINS:</b> Could you just  21 raise your right hand, please?  22 Do you swear to tell the truth, the  23 whole truth and nothing but the truth in your  24 testimony here today?  25 <b>NICHOLAS INTRIERI:</b> I do.</p>

<p style="text-align: right;">14</p> <p>1           <b>SCOTT COLLINS:</b> Okay. Just get  2 your name spelled for the record.  3           <b>NICHOLAS INTRIERI:</b> Nicholas,  4 N-i-c-h-o-l-a-s, Intrieri, I-n-t-r-i-e-r-i.  5           <b>SCOTT COLLINS:</b> Okay.  6           <b>CHRISTOPHER BAYLINSON:</b> Mike, do  7 you have some exhibits you're gonna use with  8 your presentation?  9           <b>MICHAEL INTRIERI:</b> Yeah.  10           Like Chris said, we're gonna just  11 give a brief introduction why our -- you know,  12 why we think this is a great idea for the city  13 and just kind of a high-level presentation on  14 what the course is gonna look like.  15           So, I'm gonna share my screen here.  16           <b>SCOTT COLLINS:</b> If -- if we could  17 just jump back.  18           Are you gonna be sharing things  19 that were not submitted as part of the  20 application?  21           <b>NICHOLAS INTRIERI:</b> Yes.  22           <b>MICHAEL INTRIERI:</b> Yes.  23           <b>SCOTT COLLINS:</b> Okay. Let's mark  24 the application materials themselves A-1, and  25 then as we go through.</p>	<p style="text-align: right;">16</p> <p>1           My name is Nick Intrieri. Together  2 with my brother, Mike Intrieri, and our team of  3 professionals, Mr. Chris Baylinson and Mr. Art  4 Ponzio, we are very, very excited to discuss  5 with you our plans for North Beach Mini Golf,  6 located at 120 Euclid Avenue.  7           My brother, Mike, and I are the  8 developers in the Bleeding Hearts Pinelands  9 project. We are strong, passionate believers in  10 Atlantic City, Atlantic City's future, and the  11 renaissance happening all over the city right  12 now.  13           We strongly believe, as -- as  14 others in the community do, that family-friendly  15 amenities are currently lacking in the city and  16 that family-friendly activities in the right  17 location would be a valuable addition to  18 Atlantic City and its Tourism District.  19           Specifically, we are strong  20 believers in the potential of the Atlantic City  21 inlet.  22           In 2018, the completion of the new  23 seawall and boardwalk in this section of town  24 created a beautiful pedestrian walkway, bike  25 routes and views of Atlantic City; the</p>
<p style="text-align: right;">15</p> <p>1           Is -- is this a series or are they  2 --  3           <b>CHRISTOPHER BAYLINSON:</b> They --  4 they --  5           Scott, they're there together. You  6 can -- you can mark them as one exhibit, and  7 they would be exhibit boards presented by  8 Michael -- applicant Michael Intrieri.  9           <b>SCOTT COLLINS:</b> Okay.  10           <b>CHRISTOPHER BAYLINSON:</b> And just --  11 And, obviously, with the number of  12 boards that's in -- back in the exhibit.  13           <b>SCOTT COLLINS:</b> Okay. Let's call  14 this A-2, then.  15           <b>CHRISTOPHER BAYLINSON:</b> Yep.  16           Go ahead, "Mike" [stated  17 incorrectly].  18           <b>NICHOLAS INTRIERI:</b> All right.  19 Thanks, Scott.  20           And I want to just thank everybody  21 from -- Mr. Landgraf, the CRDA, all members and  22 associates.  23           We've been looking forward to this  24 day for quite some time. So, we're very, very  25 thankful for -- for hearing us today.</p>	<p style="text-align: right;">17</p> <p>1 Atlantic City skyline, the Absecon inlet that  2 many tourists -- that many tourists and  3 residents enjoy today.  4           We are aware that single-family  5 vacation homes, multi-family homes and  6 condominium time-shares in the inlet are on the  7 rise. However, as it stands today, there's a  8 significant amount of undeveloped land, very few  9 retail businesses -- none on the boardwalk --  10 and no amenities that families, tourists in  11 these vacation homes and time-shares in the  12 inlet can participate.  13           That really takes us to our -- our  14 vision and purpose behind the project.  15           Our vision is to create a  16 family-friendly outdoor destination on the north  17 end of the Atlantic City boardwalk that is  18 highlighted by a premier miniature golf course  19 that is a historic -- historical tribute to the  20 city of Atlantic City.  21           Now let's take a quick look at what  22 the course is gonna look like.  23           Our proposal, which you'll hear in  24 great detail from Mr. Ponzio in a minute, is to  25 build a multi-tiered Atlantic City-themed</p>

<p style="text-align: right;">18</p> <p>1 miniature golf course and bike rental facility  2 at 120 Euclid Avenue. Next to the boardwalk, it  3 will be 100 percent ADA-compliant. We believe  4 this innovative design and land use capitalizes  5 on and protects the unique natural resources of  6 the inlet and will serve as a catalyst to  7 stimulate the new family-friendly market and  8 diversify the tourist district economic base.  9       Miniature golf was a sport played  10 by 130 million people all over the world last  11 year. It attracts all age groups and  12 demographics. Despite a global pandemic in  13 2020, miniature golf soured in popularity all  14 over the United States.  15       In addition, bike rentals are a  16 natural complement to miniature golf and will  17 serve a need that already exists with the  18 numerous bikers, walkers and runners on this  19 exact inlet boardwalk today.  20       Let's get to the location.  21       We specifically chose this location  22 at 120 Euclid Avenue for the proposed miniature  23 golf course for the following reasons:  24       Number one: This location is in  25 the inlet. As I previously mentioned, the</p>	<p style="text-align: right;">20</p> <p>1 and the only miniature golf course in nearby  2 Brigantine, which is embedded in a playground  3 next to the tennis court.  4       Now I'd like to turn it over to my  5 brother, Mike, who will briefly discuss the  6 course design and theme. He should be ready to  7 be introduced.  8       [Indiscernible - overtalking]  9       <b>LANCE LANDGRAF:</b> Mike, please state  10 your name and you'll get sworn in.  11       <b>MICHAEL INTRIERI:</b> Yep. My name is  12 Michael Intrieri.  13       <b>SCOTT COLLINS:</b> If you could raise  14 your right hand, please.  15       And do you swear to tell the truth,  16 the whole truth, and nothing but the truth in  17 your testimony here today?  18       <b>MICHAEL INTRIERI:</b> Yes, I do.  19       <b>SCOTT COLLINS:</b> Okay. Thank you.  20 I have the spelling of your name,  21 so thank you.  22       <b>MICHAEL INTRIERI:</b> Okay.  23       <b>SCOTT COLLINS:</b> Thanks.  24       <b>MICHAEL INTRIERI:</b> Good morning,  25 Mr. Landgraf, Mr. Reid and members of the CRDA.</p>
<p style="text-align: right;">19</p> <p>1 combination of new vacation homes in the inlet  2 combined with a lack of activities in the area  3 make -- makes this amenity a perfect addition to  4 the community.  5       Number two: This location will  6 allow the connection to the boardwalk to attract  7 boardwalk foot traffic.  8       Number three: This location is  9 adjacent to a playground that already contains  10 complementary passive recreation, including  11 tennis, basketball, and a new kids' playground.  12 Miniature golf invites the only privately-owned  13 parcel on the block and perfectly complements  14 the existing surroundings.  15       Number four: It is the perfect  16 size from the square footage standpoint for a  17 modest high-quality miniature golf course.  18       While we were performing our due  19 diligence and feasibility studies on the  20 property, we were looking at miniature golf  21 courses in the area. Almost all of them are  22 located on the boardwalk or embedded within a  23 park. This includes the only other outdoor  24 miniature golf course in Atlantic City, which is  25 on the boardwalk, across from Boardwalk Hall,</p>	<p style="text-align: right;">21</p> <p>1       Thank you again for your time and  2 consideration on this project.  3       I can't echo enough how passionate  4 I am of Atlantic City, the business community  5 and the residents here. I'm extremely motivated  6 to make this project a reality.  7       I'm also an Atlantic City resident  8 and live about 500 feet away from this proposed  9 development. I moved here with my family last  10 year.  11       Our course design consists of an  12 18-hole two-tiered miniature golf course that  13 will contain three holes on the deck, next to  14 the clubhouse.  15       The clubhouse is specifically  16 positioned and located nearest to the bridge and  17 boardwalk to attract our projected primary  18 customer: Boardwalk foot traffic.  19       Theme: The aim of our theme was to  20 design a course that is adventurous and fun and  21 a tribute to Atlantic City's history.  22       The course, designed by a renowned  23 designer, Miniature Golf Solutions, will feature  24 a natural rock and sand-like landscape, an  25 artificial water pond, and nautical elements</p>

<p style="text-align: right;">22</p> <p>1 that resemble Atlantic City's past time.  2 We believe this course will be a  3 fun activity for the Atlantic City local  4 community and tourism community, that they will  5 both enjoy and all ages would enjoy, whether  6 it's on date nights, family nights, out with  7 your friends, your grandma, your kids, your  8 coworkers.  9 So, thank you again. I'll go ahead  10 and turn things over to Mr. Ponzio and  11 Mr. Baylinson from here.  12 <b>CHRISTOPHER BAYLINSON:</b> Art --  13 First, Mr. Landgraf and counsel --  14 and Scott, would you accept Mr. Ponzio's  15 qualifications as -- as a professional planner?  16 We know he has appeared before this tribunal  17 many times.  18 <b>LANCE LANDGRAF:</b> Yes. He's  19 accepted as a licensed professional surveyor and  20 professional planner.  21  22 DIRECT EXAMINATION  23 <b>BY CHRISTOPHER BAYLINSON:</b>  24 Q. Art, if you would, would you kindly  25 give the board --</p>	<p style="text-align: right;">24</p> <p>1 surveyor.  2 <b>SCOTT COLLINS:</b> Okay.  3 <b>CHRISTOPHER BAYLINSON:</b> And -- and  4 Tom Dase is with him. He'll be sworn as a  5 professional civil engineer and --  6 [Indiscernible - overtalking]  7 Right, Tom?  8 <b>SCOTT COLLINS:</b> Could you just  9 raise your right hand?  10 Do you swear to tell the truth, the  11 whole truth, and nothing but the truth in your  12 testimony here today?  13 <b>THOMAS DASE:</b> Yes.  14 <b>SCOTT COLLINS:</b> And you are --  15 <b>CHRISTOPHER BAYLINSON:</b> Scott, do  16 you have him as a professional planner?  17 <b>THOMAS DASE:</b> Yes.  18 <b>BY CHRISTOPHER BAYLINSON:</b>  19 Q. Art, you -- you were -- you were  20 retained by North Beach Miniature Golf to -- to  21 determine whether or not the site is  22 particularly suited for this -- for this use.  23 Would you kindly give the board your overview of  24 the site, the project, and then touch upon the  25 variances, both the "D" variance and the "C"</p>
<p style="text-align: right;">23</p> <p>1 <b>LANCE LANDGRAF:</b> Let's get him  2 sworn in.  3 <b>CHRISTOPHER BAYLINSON:</b> Go -- go  4 ahead. I'm sorry.  5 <b>SCOTT COLLINS:</b> Good morning, Art.  6 If you could just please raise your right hand.  7 Do you swear to tell the truth, the  8 whole truth, and nothing but the truth in your  9 testimony here today?  10 <b>LANCE LANDGRAF:</b> Where's Art?  11 <b>ARTHUR PONZIO:</b> Yes, I do. Thank  12 you.  13 <b>SCOTT COLLINS:</b> Okay. Thank you.  14 <b>ARTHUR PONZIO:</b> Chris, Tom Dase is  15 here. If -- if anything of an engineering  16 nature comes up, Tom is here. Would you have  17 him sworn in as well, Scott?  18 <b>CHRISTOPHER BAYLINSON:</b> Absolutely.  19 <b>SCOTT COLLINS:</b> Sure. Could we  20 just back up?  21 Mr. Ponzio, you are being sworn --  22 qualified as a professional --  23 <b>ARTHUR PONZIO:</b> Planner.  24 <b>SCOTT COLLINS:</b> Planner?  25 <b>ARTHUR PONZIO:</b> And -- and</p>	<p style="text-align: right;">25</p> <p>1 variances that, obviously, would be subsumed  2 within the "D" variance, and explain how that  3 works?  4 <b>A. Sure. Thank you.</b>  5 <b>ARTHUR PONZIO:</b> Michael, who has --  6 who has the board here? Do you -- do you have  7 it?  8 <b>MICHAEL INTRIERI:</b> I have the  9 board.  10 <b>ARTHUR PONZIO:</b> Okay. Could you go  11 to the overall aerial photograph, please? The  12 last one. Keep going down.  13 <b>LANCE LANDGRAF:</b> Art, these --  14 these were all submitted with the application.  15 So, these would be A-1, Scott?  16 <b>ARTHUR PONZIO:</b> I believe this  17 particular one was not submitted, what you're  18 looking at now.  19 <b>LANCE LANDGRAF:</b> So, I think we're  20 at A-3, then, Scott?  21 <b>SCOTT COLLINS:</b> Yes. Thank you.  22 <b>LANCE LANDGRAF:</b> It will be an  23 aerial exhibit, showing the site along -- the --  24 the only inlet without the boardwalk.  25 [Indiscernible - overtalking]</p>

<p style="text-align: right;">26</p> <p>1 So, --</p> <p>2 <b>ARTHUR PONZIO:</b> Okay.</p> <p>3 <b>LANCE LANDGRAF:</b> -- go ahead.</p> <p>4 Sorry.</p> <p>5 <b>ARTHUR PONZIO:</b> All right. I</p> <p>6 appreciate that. Thank you, Lance and Scott.</p> <p>7 Okay. This is a global shot a</p> <p>8 couple years dated.</p> <p>9 And as Mr. Landgraf just mentioned,</p> <p>10 you could see the remnants of post-Sandy</p> <p>11 boardwalk there, or what's left of it.</p> <p>12 <b>BY CHRISTOPHER BAYLINSON:</b></p> <p>13 Q. Art -- Art, let me stop you there</p> <p>14 for a second.</p> <p>15 Do -- do the conditions where the</p> <p>16 course is going to be situated and the other</p> <p>17 conditions on the -- on the block where the</p> <p>18 course is going to be located, are they similar</p> <p>19 to what exists today, putting aside the fact the</p> <p>20 boardwalk, obviously, was constructed after this</p> <p>21 photograph?</p> <p>22 A. Yep. Essentially, identical. Yes.</p> <p>23 Yes.</p> <p>24 Q. Go ahead. I'm sorry.</p> <p>25 A. Okay. So, you see the outline at</p>	<p style="text-align: right;">28</p> <p>1 they were, oh, about seven or eight years ago,</p> <p>2 that -- that project faltered.</p> <p>3 So, back on the -- the -- the block</p> <p>4 in particular, from Euclid to Pacific, boardwalk</p> <p>5 frontage to New Hampshire Avenue, you can see</p> <p>6 the entirety of the block, with the exception of</p> <p>7 the subject lot, which is dedicated -- is</p> <p>8 dedicated to a commercial -- that is, a park</p> <p>9 and/or recreational use.</p> <p>10 There's a vast landscaped area</p> <p>11 which was placed off of New Hampshire Avenue</p> <p>12 spanning the two blocks, two streets. And</p> <p>13 together with tennis courts and a basketball</p> <p>14 court, a pavilion, and some outdoor play areas,</p> <p>15 playgrounds.</p> <p>16 The sand area between the -- what</p> <p>17 shows on the drawing between -- what -- what --</p> <p>18 what shows at the boardwalk and the basketball</p> <p>19 court, that was an -- an active beach area for</p> <p>20 many, many, many years prior to the bulkhead</p> <p>21 being reconstructed -- or constructed. It now</p> <p>22 exists as a sand area; graded, flat. There was</p> <p>23 an intent made to plant grass on it. It's -- it</p> <p>24 kind of failed. But, so be it. It remains as a</p> <p>25 -- as a wide open area there adjacent to the</p>
<p style="text-align: right;">27</p> <p>1 <b>120 Euclid Avenue. It's the subject site</b></p> <p>2 <b>location. It's situated at the boardwalk</b></p> <p>3 <b>frontage along Euclid Avenue.</b></p> <p>4 So, immediately adjoining the site,</p> <p>5 if you look at this --</p> <p>6 I --</p> <p>7 For those of you who may know, I</p> <p>8 grew up with this neighborhood. I was born on</p> <p>9 New Hampshire Avenue a couple years ago at --</p> <p>10 It was a different neighborhood</p> <p>11 then. Yet, Altman Field, at Altman -- at</p> <p>12 Pacific Avenue and New Hampshire, has been</p> <p>13 there, essentially, for more than I know of, for</p> <p>14 60 years. The --</p> <p>15 Across the street, Euclid Avenue,</p> <p>16 from the site, there is one building remaining</p> <p>17 from what was, at one time, a fully-developed</p> <p>18 block. You could see it there. It's a</p> <p>19 three-story brick building. Resident --</p> <p>20 residential uses in the building.</p> <p>21 There were other companion</p> <p>22 buildings to that through the years, all of</p> <p>23 which have been demolished, as you see it. That</p> <p>24 block was scheduled at one time for a major</p> <p>25 development, but with the economic conditions as</p>	<p style="text-align: right;">29</p> <p>1 subject site.</p> <p>2 Essentially, those are the uses</p> <p>3 that abut the property.</p> <p>4 One of the interesting thing and</p> <p>5 why I wanted this photograph shown is to look at</p> <p>6 the overall nature of this particular area.</p> <p>7 So, if you take the -- the location</p> <p>8 from Pacific Avenue, north to Euclid, from the</p> <p>9 boardwalk, working westbound, toward</p> <p>10 New Hampshire, then over to Vermont, that block</p> <p>11 used to be in a very active highly-developed lot</p> <p>12 with the former Jitneymen's Association on the</p> <p>13 corner and multiple residential and some</p> <p>14 scattered commercial uses on that part of the</p> <p>15 block. I believe the CRDA was actively involved</p> <p>16 in acquisition of that block in creating a -- a</p> <p>17 recreational open space as you can see it</p> <p>18 depicted on the plan -- on the -- on the aerial.</p> <p>19 Now, adjacent to that, working</p> <p>20 west, now three blocks in -- in a row, if you</p> <p>21 will, is the -- what I call somewhat historic</p> <p>22 and what I believe to be famous, Atlantic City</p> <p>23 lighthouse facility. Again, the CRDA has played</p> <p>24 a big role in rehabilitating that. So that the</p> <p>25 --</p>



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1           **If you look at the -- in context**  
2 **between the three blocks, from Rhode Island**  
3 **Avenue, eastbound to the inlet, we've got three**  
4 **consecutive blocks of recreation area, open**  
5 **space, if you will, and areas that -- where**  
6 **citizens and visitors, tourists, alike will,**  
7 **hopefully, more so congregate into the future.**  
8 **I think that was the intent of the -- the entire**  
9 **thing, with the focus being -- the focal point**  
10 **being the icon lighthouse.**  
11           **I think it's a fantastic**  
12 **opportunity to have that brought, essentially,**  
13 **back to the waterfront, where it was at one time**  
14 **when it was built.**  
15           **So, in that entire area, the only**  
16 **property that is not currently utilized --**  
17 **[Indiscernible - overtalking]**  
18 **-- as some type of recreational**  
19 **area is the subject lot.**  
20 **[Indiscernible - overtalking]**  
21       Q. Let me stop you for a second. I --  
22 I don't mean to interrupt.  
23           You -- you were specifically  
24 talking about, as you looked at the screen, the  
25 parcels to the left, behind, I'll say, --

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1       **A. Yep.**  
2       Q. -- Euclid and the boardwalk.  
3       **[Indiscernible - overtalking]**  
4       **A. Yep. That's --**  
5       **[Indiscernible - overtalking]**  
6       Q. You have the -- you have the -- you  
7 have the -- you have the landscaped parking, and  
8 then you have the lighthouse.  
9       **A. Yep. In a westerly direction to**  
10 **the west on the -- on the view that you're**  
11 **looking at. Correct.**  
12       Q. Thank -- thank -- thank you.  
13       **A. So, the subject lot, again, as I**  
14 **mentioned, is -- is the only parcel in that**  
15 **entire -- call it three block area that is not**  
16 **currently used for a recreational-type purpose.**  
17           **When I look at that and then I**  
18 **consider the proposed use being 100 percent**  
19 **recreational, I believe that that is a very**  
20 **appropriate use for this lot. I think, that**  
21 **said, but -- in my opinion, the lot is -- that**  
22 **property is particularly well suited for this --**  
23 **for this use that is proposed. It's a soft**  
24 **commercial/recreational use, which, in my**  
25 **opinion again, is consistent with -- or**

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1       **compatible with -- fully compatible with the**  
2 **adjoining playground and the entirety of the**  
3 **three block area that I just described.**  
4           **Interestingly enough, in the zone,**  
5 **in the LH2 zone, although it does not**  
6 **specifically list a mini golf facility as being**  
7 **a permitted use, there are -- under the**  
8 **conditional use allowances, there are the rights**  
9 **to put a park facility or a playground.**  
10           **A playground, you know, it can --**  
11 **it can take on many different connotations to**  
12 **that; what is and what isn't part of a**  
13 **playground.**  
14           **I look at a mini golf, such as**  
15 **we're proposing, something that's consistent**  
16 **with, compatible with a playground or park-type**  
17 **use on this particular lot, again, all going**  
18 **toward, in my opinion, that this lot is**  
19 **particularly well suited for a recreational use**  
20 **that -- such as is being proposed by the**  
21 **applicant.**  
22           **A description of the project --**  
23 **project itself, the owners went through -- the**  
24 **developers went through a nice presentation, if**  
25 **you will.**

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1           **ARTHUR PONZIO:** Go back to my site  
2 plan, please. Sheet number C3, I think it is.  
3 **BY CHRISTOPHER BAYLINSON:**  
4       Q. Go ahead.  
5       **A. That's --**  
6           **Okay. So, here is the engineered**  
7 **site plan of -- of the site.**  
8           **You can see the property is**  
9 **depicted. It has a -- a depth along Euclid**  
10 **Avenue of 139 feet and a width of 60 feet while**  
11 **working to the south or toward Pacific Avenue.**  
12 **The boardwalk in that view is to the right, as**  
13 **you can clearly see.**  
14           **It is very important that this site**  
15 **is located on the boardwalk, essentially. There**  
16 **is an easement area, which is the former fair --**  
17 **right-of-way of -- of Maine Avenue, never been**  
18 **built in this location.**  
19           **There's an easement area through**  
20 **the Army Corps of Engineers with regard to**  
21 **maintenance of storm drainage and -- and the**  
22 **boardwalk that was reconstructed very recently.**  
23 **If you notice, there is a connecting bridge over**  
24 **that easement area to the boardwalk. We are**  
25 **actively in -- in a -- in the process of seeking**

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1 the Corps of Engineers approval for that. I  
 2 believe we will get that in the very near  
 3 future.  
 4 You can see that pedestrian bridge  
 5 as is shown in the lower right corner, which  
 6 gives direct access; a nice level, open, wide,  
 7 inviting access to the boardwalk. That --  
 8 [Indiscernible - overtalking]  
 9 Q. Hold on one -- hold on one second.  
 10 CHRISTOPHER BAYLINSON: If I may,  
 11 Scott, we -- we have a resolution from city  
 12 council authorizing the use of the improvements  
 13 within the city right-of-way. And I'll get that  
 14 to you today.  
 15 SCOTT COLLINS: Very good. Thank  
 16 you.  
 17 ARTHUR PONZIO: On the in -- inside  
 18 of the bridge, you can see where it connects to  
 19 whether -- it's the upper level, the second  
 20 level of the proposed mini golf.  
 21 On that level, there are -- there  
 22 will be bike -- be bike racks. There's some  
 23 tables, picnic tables. There's a -- a small  
 24 clubhouse if you -- if you could see it there,  
 25 the shaded area, more or less, in the center,

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1 the bottom center of the proposed second deck.  
 2 Now, there is also a stair from the  
 3 golf facility up to the deck. You could see  
 4 that depicted behind the clubhouse, if you will.  
 5 And a very important part of the  
 6 project is a public accessway, which would be  
 7 built on the side of Euclid Avenue, on the south  
 8 side of Euclid Avenue, which would be a -- a  
 9 rampway from the ground surface up to the  
 10 boardwalk, where, by the way, this is,  
 11 essentially, the only block and street end where  
 12 that access does not exist. There is access at  
 13 Pacific, there is access at Atlantic, which is  
 14 to the north at the site. Euclid, in the  
 15 middle, there's no public access there.  
 16 One of the main primary -- primary  
 17 focuses of the state of New Jersey, Department  
 18 of Environmental Protection, is, wherever  
 19 possible, to provide public access to the  
 20 oceanfront, to the boardwalk, to the beachfront,  
 21 whatever. In this particular block, that  
 22 doesn't exist. That is being proposed by the  
 23 applicant; to provide public access, which will  
 24 directly feed to the boardwalk. It meets a -- a  
 25 prevailing public policy, which is very

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1 important.  
 2 That access, the way it's designed  
 3 -- and you can see it depicted there -- is gonna  
 4 be a completely barrier-free access, which is  
 5 also extremely important. That's why the ramp  
 6 is as long as it is; to make up the differential  
 7 between the -- Euclid Avenue and the boardwalk,  
 8 which is -- let's call it approximately ten  
 9 feet. So, you can see the incremental steps of  
 10 the ramp to a level flat, which makes  
 11 barrier-free handicap access requirements.  
 12 The ramp will -- will empty at the  
 13 top, right in -- will spill onto the second  
 14 level deck, and then -- and folks can -- any of  
 15 the citizens of -- of the city or tourists or --  
 16 or users of the facility can then access the  
 17 boardwalk directly through the deck.  
 18 The golf -- the golf itself, as you  
 19 see it depicted, the layout -- the Intrinsic  
 20 both showed a different exhibit this morning.  
 21 With the layout, it's a very, very interesting  
 22 design. And I love the fact that it has a -- an  
 23 Atlantic City theme. I think that's something  
 24 more and more that we should promote in all our  
 25 projects; to project the Atlantic City theme.

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1 It's important locally, it's important  
 2 nationally, and, at one time, also, hopefully,  
 3 in the future, internationally. The Atlantic  
 4 City theme is very important, and I think that's  
 5 -- that's a -- a great idea to create projects  
 6 such as this which -- which foster that -- that  
 7 continued idea and promote the city of  
 8 Atlantic City as a whole.  
 9 There -- there are a few technical  
 10 things associated with the design. In addition  
 11 to the -- the -- the ramp that I mentioned,  
 12 there is --  
 13 ARTHUR PONZIO: If you go to the --  
 14 Could you go to the soil erosion  
 15 plan? There was something mentioned in the  
 16 technical report. I just want to show what it  
 17 was. We'll -- we'll come back to the lighting  
 18 in a second.  
 19 The next --  
 20 Go one more. See if you could --  
 21 There we go.  
 22 Okay. So, in any project -- in any  
 23 construction project, it's required to provide  
 24 necessary protections for soil erosion.  
 25 In this case, this is a plan that

<p style="text-align: right;">38</p> <p>1 we prepared, which complies to the requirements  2 of the Cape Atlantic Soil Conservation District.  3 And of note is the -- on the upper left side --  4 corner of the property, where that construction  5 entrance ramp is, that is a stabilized ramp  6 which is placed on all projects such as this.  7 It's crushed stone laid on the ground. It  8 knocks whatever dirt, sand, whatever would be on  9 the wheels of vehicles entering and exiting the  10 site. It stops that from exiting and being --  11 that material being transferred onto the  12 adjoining street.  13       We've located it at -- at that spot  14 specifically. It was available. That spot is  15 open. It's at the bottom of the ramp, so it  16 wouldn't interfere with the ramp construction.  17       There was a comment in the report,  18 very -- very -- technically done, that the ramp  19 would be in an area outside of our property. If  20 you look at that, it -- they're correct. So, we  21 will seek the city's approval for that.  22       Alternatively, if we cannot get  23 that, we will relocate the -- the ramp about 15  24 feet onto our property so there will not be  25 property encroachment if the city would not</p>	<p style="text-align: right;">40</p> <p>1 lighting that is promoted for the property so  2 that there is no question about potential impact  3 of any adjoining properties whatsoever.  4       We'll talk for -- for a moment  5 about the variances.  6       You can go back to the site plan,  7 if you want.  8       The --  9       So, Chris Baylinson mentioned,  10 briefly, the variances that we're seeking.  11       That's the survey on the screen.  12       The -- the variances are for  13 setback. The --  14       There's a requirement for setback  15 on the property. And the deck, the upper deck,  16 as you see depicted, is gonna about the ramp.  17 It's gonna --  18       It needs to abut the ramp so it has  19 continuity in there, access.  20       So, it would have a zero setback  21 onto Euclid Avenue.  22       Technically, Maine Avenue is -- is  23 actually a -- a public right-of-way, still, at  24 this point, even though it's not physically  25 built and has not ever been built.</p>
<p style="text-align: right;">39</p> <p>1 agree to allow that. So..  2       If you go -- go back to the  3 lighting plan. There was a question about  4 lighting.  5       There you go. Thank you.  6       There's the lighting plan. We're  7 gonna make certain, in -- in -- in installing  8 the light standards for this property and the  9 pattern of illumination on the ground that this  10 would not impact any potential adjoining  11 property with, specifically, the residential  12 three -- three-story building across Euclid  13 Avenue.  14       So, if you notice, the foot candle  15 illumination on the plan, we -- we have five  16 foot candle on -- on the subject property, which  17 is reasonable for a use such as this, and it  18 quickly dissipates to one foot candle. You can  19 see the rim of the -- the circle, if you will,  20 out along -- on the property, and then to .5  21 foot candle, which puts you down to pedestrian  22 levels as you get to the opposite curb line.  23 Beyond that, the level even drops further. It's  24 not -- not necessary to show .5 as the minimum.  25 But, I wanted to show the intensity of the</p>	<p style="text-align: right;">41</p> <p>1       So, there would be a setback of  2 zero on -- on that side, as well as on the  3 southerly side on the open space area. You can  4 see it -- you can clearly see on the drawing  5 that the deck area would go to the -- extend to  6 the property line.  7       The other setback -- other variance  8 is a -- a variance for parking. You can see the  9 location of the property. There's the size of  10 the property, the dimensions, whatnot. There's  11 no available -- parking available on the  12 parking. There are, however, identified in the  13 traffic statement that Mr. Shropshire will  14 identify to momentarily, I believe 56 spaces  15 available between Euclid, New Hampshire and  16 Pacific, which is quite a lot given the limited  17 use that -- that goes on in this particular part  18 of our city at this -- at this point in time.  19       Also noteworthy, as a general  20 statement, uses such as this along the  21 boardwalk, although this is somewhat unusual in  22 this particular location because it's  23 instituting a new use where the area has been  24 somewhat devoid of development -- commercial  25 development for many, many, many years; however,</p>

<p style="text-align: right;">42</p> <p>1 throughout the city, there's uses on the  2 boardwalk historically and currently are -- are  3 built and occupied and used without providing  4 parking. I think it's pretty obvious why.  5       The bulk of the traffic to the  6 property -- these properties is geared toward  7 the boardwalk, where folks that are on the  8 boardwalk, utilizing it; in this particular  9 case, for bicycles, perhaps predominantly, as  10 well as walking, that will be the -- we believe,  11 the predominant means of -- of folks that want  12 to come and utilize this site.  13       I know myself included and many of  14 us on the phone here inhabit that boardwalk  15 constantly for walking, bike riding or whatever.  16 This will be, I think, a very welcome location  17 for this particular use because it -- it really  18 fills in a void -- fills in a space here on a  19 recreational block that really needs something  20 done there. It's been so underutilized for so  21 many years, this particular small swath of land.  22       By the way, there were other --  23 there were other attempts to develop the  24 property. We happened to work on one years ago  25 to -- to develop the site as nine residential</p>	<p style="text-align: right;">44</p> <p>1 have individual lot -- development of lots of  2 this size, to not have off-street parking?  3       <b>A. Mm-hmm. I -- I refer you to the</b>  4 <b>site and all the -- the uses along the</b>  5 <b>boardwalk, from -- you know, from, essentially,</b>  6 <b>the entire commercial part of the city, where --</b>  7 <b>I'm not gonna say none of them have parking, but</b>  8 <b>most do not have parking.</b>  9       <b>The ones associated with casinos</b>  10 <b>are or only their projects happen to have some</b>  11 <b>parking in the rear. They are kind of okay.</b>  12 <b>But, for the most part, all of the use -- for</b>  13 <b>the most part, the uses along the boardwalk,</b>  14 <b>similar uses such as this, do not have parking.</b>  15 <b>And -- and again, as I mentioned, the reason</b>  16 <b>being because of the nature of what those</b>  17 <b>businesses are and how they're focused toward</b>  18 <b>the boardwalk frontage.</b>  19       <b>Q. Thank you.</b>  20       And with respect to the -- to the  21 size of the lot and dimensions of the property,  22 does that -- does that impact how this property  23 can be developed for permitted uses?  24       <b>A. Oh.</b>  25       <b>Q. And --</b></p>
<p style="text-align: right;">43</p> <p>1 units. There -- there was inherent difficulties  2 in the lot size to do that. And we -- we were  3 actually denied at one point in time by the  4 state of New Jersey for that particular use.  5       The owner has tried, through the  6 years, different things, talked to myself about  7 different possible -- possibilities on the -- on  8 the property, none of which seemed to work.  9       The zoning ordinance allows  10 different --  11       The -- the -- the regulations allow  12 different uses on the property, such as a bar, a  13 restaurant, other things like that that may or  14 may not be appropriate for this particular use.  15       But, back on the variances, we're  16 seeking the variances for the parking, for the  17 setbacks. And -- and the primary one,  18 obviously, is for the use of -- of the property.  19 <b>BY CHRISTOPHER BAYLINSON:</b>  20       <b>Q. Art, can I ask you two things</b>  21 <b>before you move onto that?</b>  22       <b>A. Yeah.</b>  23       <b>Q. You know, with respect to the</b>  24 <b>parking, is it -- is it typical or not unusual,</b>  25 <b>in a seashore community like this, where you</b></p>	<p style="text-align: right;">45</p> <p>1       <b>A. There's no question.</b>  2       <b>Q. Okay.</b>  3       <b>A. So, for instance, down -- going</b>  4 <b>down the list of permitted uses, you would --</b>  5 <b>you would be permitted to install a low-rise or</b>  6 <b>a mid-rise residential development up to 80 feet</b>  7 <b>in height. That would be wonderful. However,</b>  8 <b>in a 60-foot deep lot, the sun setback that you</b>  9 <b>would -- you would think you would have on -- on</b>  10 <b>a mini -- a small tower or whatever, together</b>  11 <b>with parking --</b>  12       <b>Parking in itself on a 60-foot deep</b>  13 <b>lot, we -- we found that out in doing the other</b>  14 <b>work for the -- the owner years ago -- was</b>  15 <b>extremely difficult because of the -- the depth</b>  16 <b>doesn't allow you to have two rows of parking.</b>  17 <b>You would get in one row and you'd end up</b>  18 <b>getting one drive aisle, 24 foot wide, with a</b>  19 <b>minimal -- minimal setback to the street</b>  20 <b>frontage or the side property line and the --</b>  21 <b>the yield of the parking is such that it doesn't</b>  22 <b>afford the opportunity to build that parking to</b>  23 <b>support that type of use because it -- the --</b>  24 <b>the cost of doing so overrides the cost of the</b>  25 <b>project.</b></p>

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1 [Indiscernible - overtalking]  
2 **THE COURT REPORTER:** One at a time.  
3 One at a time.  
4 **CHRISTOPHER BAYLINSON:** Right.  
5 Yep.  
6 **BY CHRISTOPHER BAYLINSON:**  
7 Q. When you couple that with the  
8 setbacks and the available footprint compared to  
9 what uses are permitted, can you comment upon  
10 the -- the size of the footprint you can get and  
11 -- and whether that's viable for a -- for -- for  
12 a successful commercial development?  
13 A. Yeah. I would say, Chris, you  
14 know, it's -- it's possible to develop other  
15 uses on this site. It's extremely difficult,  
16 given the parameters of -- of the -- the site;  
17 that is, the size of the property, et cetera.  
18 Like, for instance, one use is  
19 allow a restaurant and a bar. I mean, if you  
20 think about a 60-foot deep property with some  
21 type of sun setback, some parking for a  
22 restaurant and a bar, with the intensity that  
23 they would have, you'll find almost -- it's  
24 almost impossible to -- to reasonably do that on  
25 a 60-foot deep piece of property.

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1 In addition to that, a -- you could  
2 have a -- a hotel on the property.  
3 Now, the folks on the phone that  
4 have worked on projects like that before,  
5 hotels, if you start talking about a hotel with  
6 less than, say, 50 units, it -- it becomes  
7 extremely difficult to build and support that,  
8 and yet turn that into some type of  
9 profit-generating business.  
10 If -- if you look at that on a  
11 60-foot parcel of ground like we have here --  
12 and we have -- believe me, we have laid that out  
13 for other possible buyers of this property --  
14 mechanically, physically and otherwise, it just  
15 doesn't work from an operational standpoint.  
16 Although it's a permitted use, that certainly  
17 doesn't work.  
18 And if you look at the intensity of  
19 a permitted use, of a restaurant, a bar, a  
20 hotel, a mid-rise, versus this soft relative --  
21 what I think is a soft recreational use here, I  
22 think there's no comparison insofar as impact to  
23 the neighborhood of a use such as this versus  
24 one of the other permitted uses.  
25 Q. Now, with respect to the variances

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1 that we're seeking, we need to show, under the  
2 Municipal Land Use Act, that we advance some  
3 purpose of the act -- one or more purposes of  
4 the act, and then address the negative criteria,  
5 as well as, for a "D" variance, show that  
6 special reason why the site is particularly  
7 suited for the use. If you will.  
8 A. Okay. I've -- I've gone through  
9 some of the -- I've provided testimony on the --  
10 the particularly well-suited aspect of the --  
11 Q. Yep.  
12 A. -- of the Medici standard, together  
13 with the intensity, as I just mentioned about,  
14 the potential permitted uses to be built on the  
15 property, throwing all that into the same  
16 conversation.  
17 But, other -- another justification  
18 for this, if you look at the -- looking at the  
19 stated purpose of the LH2 district -- I'll read  
20 it -- is to reinvent the area with the  
21 rehabilitation or redevelopment of several  
22 historic blocks, providing additional housing at  
23 lower intensity, commercial uses, and economic  
24 diversity.  
25 So, this falls into the

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1 rehabilitation of an otherwise underutilized and  
2 unutilized piece of property to -- to present a  
3 new -- when I say "soft commercial use" -- with  
4 significant economic diversity where nothing  
5 like this exists in this particular location or  
6 near this location. And to do that and -- and  
7 have it focused toward our citizens and tourist  
8 industry, as well, to bring this type of  
9 activity -- or recreation to the city, I think,  
10 falls right into the overall purpose of this  
11 district as well as the master plan of the  
12 Authority.  
13 And -- and in addition to that, the  
14 intent and purpose of what the city of  
15 Atlantic City has been trying to do for the past  
16 relatively few years, and that is to diversify  
17 our -- our economic and our recreational base  
18 and to offer other opportunities to folks that  
19 come to the city of Atlantic City. I think this  
20 falls right in -- in position with that.  
21 With regard to the master plan of  
22 -- of the -- of the CRDA, its intent and purpose  
23 I'll read as well is -- is -- excuse me -- to  
24 reinvigorate Atlantic City as the leading  
25 destination resort -- and I love this, by the

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1 way -- in the -- in the northeast and to develop  
2 an economically-viable and sustainable Tourism  
3 District and expand the city's tourism and  
4 economic bases.

5       This is a very small project, a  
6 little tiny cog in this overall wheel of  
7 Atlantic City. Atlantic City's a very small  
8 area in itself. So, every small cog matters, in  
9 my opinion. Every piece helps the overall. And  
10 -- and when you add up the individual pieces, I  
11 think, if you add pieces like this and others  
12 that are being talked about throughout the city,  
13 the sum of the parts equals more than the  
14 individual parts all put together, if you will.  
15 And I think that to -- to help create this --  
16 and -- and continue to create the city as an  
17 overall destination resort, I think projects  
18 such as this, in my opinion, in good locations  
19 such as this, well-suited locations, are  
20 extremely important to -- to the city of  
21 Atlantic City going forward.

22       It was mentioned, early on in  
23 another conversation, about what's going on in  
24 the Showboat property. Very interesting. And  
25 -- and I just want to talk about that for one

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1 moment.

2       There's a case where a -- a  
3 property owner has taken what was a closed  
4 casino, which was an eyesore in the city of  
5 Atlantic City in a real bad spot and -- and now,  
6 with his ideas and -- and -- and vision, he has  
7 instituted other uses in that property. He is  
8 bringing other similar recreational uses to that  
9 property in multitude of those uses, which the  
10 Authority has been an integral part of helping  
11 to bring to the city. That property is -- is  
12 another extremely important process and project  
13 to the city of Atlantic City. It's gonna  
14 continue to bring more types of uses, more  
15 recreational uses, and, we believe, hopefully,  
16 more family-oriented uses.

17       We look at this property that we're  
18 developing here -- hopefully, developing on this  
19 site -- as supplemental to -- to projects like  
20 that and, again, adding another piece to the  
21 overall part of Atlantic City and bringing new  
22 recreation, particularly to a spot here where --  
23 at this site, this block in itself and the other  
24 two blocks adjoining, are all geared toward  
25 recreation. I think that's extremely important

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1 to -- to keep that in context.

2       With regard to --

3       I'll try to go through this,  
4 hopefully, not to belabor those points, but I do  
5 want and need to put this on the record.

6       The special purposes of zoning  
7 advanced. There are a few. I think they're  
8 very important. I'll go through them quickly.

9       "A" is to encourage municipal  
10 actions to guide the appropriate use of  
11 development of all lands in a manner which will  
12 promote the general welfare of the community.

13       So, I think, first of all, the fact  
14 that this property, as I've gone through my  
15 analysis of it, is particularly well suited for  
16 this use, given the testimony that I've entered  
17 here today, I think that in itself qualifies us  
18 to comply with this or -- or advance the general  
19 -- or general welfare argument for special -- a  
20 special reason being advanced for -- for the  
21 project.

22       The -- the site in this location,  
23 if you look at the adjoining properties, there  
24 -- there's only one property adjoining us to the  
25 right -- to the north of -- of the site, which

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1 is recreational -- which is residential.

2       Around the property, we are  
3 bordered by all recreational uses. And I think,  
4 if you look at that in context, again, where  
5 this fills in the block. It's a piece of infill  
6 for recreational use. I think, that in itself  
7 qualifies this to be a particularly well-suited  
8 site.

9       And again, I think, if you look at  
10 the -- the other permitted uses, they are  
11 relatively intense. And I think they would not  
12 be a good fit to the surrounding recreational  
13 part of the -- the city, inclusive, all the way  
14 to the -- to the lighthouse. This is -- this is  
15 a much, much better fit for consistency and  
16 compatibility, which is critical when you look  
17 at what to bring to a particular piece of  
18 property.

19       So, I think we meet the criteria  
20 for advancing the special purpose -- special  
21 reason of zoning, that is, for the general  
22 welfare.

23       We seek --

24       The next one would be "B," to  
25 secure from safety and fire, flood, and other

1 disasters. And that would give us -- that would  
2 bring us to the construction of a barrier-free  
3 ramp where none presently exists. I think  
4 that's very important.

5 In time, God forbid, should there  
6 be an emergent situation, the citizens could  
7 evacuate the boardwalk right at Euclid Avenue  
8 where they do not have that opportunity to do so  
9 now. That's a very important part of the  
10 project. It helps the project, it helps the  
11 public. No question about it. It advances the  
12 state policy, as I mentioned before

13 The next is "G." To provide  
14 sufficient space in appropriate locations for a  
15 variety of residential, commercial and other  
16 uses in order to meet the -- the needs of all  
17 New Jersey citizens.

18 I think this -- this recreational  
19 use here does meet a need. There are no other  
20 private recreational-type uses like -- such as  
21 this in the entire inlet section of the city of  
22 Atlantic City.

23 I think this supplements that park  
24 and the -- and the basketball court and tennis  
25 court perfectly. And I also think the location

1 with -- adjacent to the boardwalk is -- is -- is  
2 -- is prime -- is prime for -- for this  
3 particular use.

4 And lastly, to -- "I," that is. To  
5 promote a desirable visual environment --  
6 environment to the creative development  
7 techniques and good civic design.

8 You're looking at what has been a  
9 vacant site for as many years as I can remember.  
10 I look back at old Sanborn maps, and back in the  
11 '30s, there was a bathhouse on this property at  
12 one time, torn down before I -- I knew the site,  
13 which is over 60 years ago.

14 This is a site with no economic  
15 utility whatsoever. This is gonna bring  
16 viability, activity to the property in an  
17 aesthetic way.

18 I mean, I think nothing better  
19 could be built here than a green space with some  
20 putting greens, if you will, and small, little  
21 clubhouse building overlooking the beach at the  
22 boardwalk and -- and -- and ocean. I think it's  
23 absolutely a perfectly use for this particular  
24 property and a perfect design.

25 I'll touch on the negative

1 criteria, Chris, and then I'll --

2 Q. Yeah. Now, Art, can I just -- can  
3 I make a suggestion that, when they look at a  
4 beachfront property or boardwalkfront property  
5 in any shore community, when you have don't --  
6 when you have a development that has no height  
7 to it and preserves the views, the airflow, at  
8 -- at -- by not having an elevated building, do  
9 you think that helps to preserve light, air and  
10 open space for the block and for this location?

11 A. You know, it -- it certainly does.

12 And I'm gonna go back a year or  
13 two, a couple years. Time's passing by quickly  
14 here. I had conversations with Mr. Landgraf  
15 about zoning in -- in these areas, and there was  
16 an idea put forth that we should have a taper  
17 from the -- from the oceanfront properties  
18 working back into the inner -- inner parts of  
19 the city.

20 At first, I was a little hesitant  
21 about that. The more I thought about that, I --  
22 I agreed with Mr. Landgraf's synopsis there.  
23 And this picks up on that exactly.

24 We have the remainder of our block  
25 with, essentially, nothing constructed more than

1 15 feet in height. And anything that would  
2 built -- be built here that would be of  
3 reasonable height would certainly be a -- a -- a  
4 impact -- or have an impact, would be a use  
5 through the oceanfront, regardless, from --

6 So, I think, take -- taking all  
7 that into consideration, this site is exactly  
8 developed the way it should be for this  
9 particular location.

10 With regard to the negative  
11 criteria, so, any variance that is issued by any  
12 board has to -- requires a showing that the  
13 relief will not have a substantial detriment to  
14 the public good, it will not substantially  
15 impair the purpose and intent of the zone plan  
16 and the zoning regulation.

17 I've gone through a -- an analysis  
18 of the zone plan and the zoning regulation. I  
19 think I stand behind that testimony. While --

20 I believe that there's no miniature  
21 or significant impact that will be created  
22 should this property be developed as -- as we've  
23 -- we've laid it out.

24 And with regard to the adjoining  
25 properties, I believe that the impact, again,

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1 **because this is a soft-type use with no impact**  
 2 **to views whatsoever, I think, again, that this**  
 3 **will be a -- a welcome attraction to the site --**  
 4 **to the -- to the location, to the area, and I --**  
 5 **I believe it has no -- will have no significant**  
 6 **impact to the adjoining -- negative impact, that**  
 7 **is, to the adjoining properties. In my opinion,**  
 8 **once this is up, operational, hopefully doing**  
 9 **very well, the impact will certainly be positive**  
 10 **not only to the city, to the location, but, I**  
 11 **think, to the neighbors as well.**  
 12 Q. Art, special reasons are also  
 13 required to be shown. The special reasons --  
 14 you touched on five of them when you talked  
 15 about the purposes of the Land Use Act. You  
 16 testified to encourage municipal action, to  
 17 guide appropriate uses in appropriate locations,  
 18 to secure from fire, safety and flood,  
 19 sufficient space in appropriate locations, to  
 20 promote -- to promote a desired visual  
 21 environment, and preservation of light, air and  
 22 open space.  
 23 Under -- under the Land Use Act, we  
 24 have to show special reasons. Do you believe  
 25 those special reasons address both the positive

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1 criteria and make this site particularly suited  
 2 for the miniature golf course use?  
 3 A. **Without question I do, yes.**  
 4 Q. Thank you.  
 5 **CHRISTOPHER BAYLINSON:** That's all  
 6 for Mr. Ponzio. We have --  
 7 Dave Shropshire will need to be  
 8 sworn. He's gonna talk about traffic and  
 9 parking.  
 10 Dave is a civil engineer with an  
 11 emphasis in traffic engineering.  
 12 Dave, are you there?  
 13 **DAVID SHROPSHIRE:** Are you there?  
 14 Yes.  
 15 **CHRISTOPHER BAYLINSON:** All right.  
 16 He -- he needs to be sworn by Scott.  
 17 **SCOTT COLLINS:** If you would just  
 18 raise your right hand, please.  
 19 Do you swear to tell the truth, the  
 20 whole truth, and nothing but the truth in your  
 21 testimony here today?  
 22 **DAVID SHROPSHIRE:** I do.  
 23 **CHRISTOPHER BAYLINSON:** And that --  
 24 **SCOTT COLLINS:** And you've  
 25 previously testified before this board.

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1 Correct?  
 2 **DAVID SHROPSHIRE:** I have. Yes.  
 3 **LANCE LANDGRAF:** We're gonna accept  
 4 Mr. Shropshire's expertise in the field of  
 5 traffic engineering.  
 6 **SCOTT COLLINS:** Thank you.  
 7 **CHRISTOPHER BAYLINSON:** Thank you.  
 8  
 9 DIRECT EXAMINATION  
 10 **BY CHRISTOPHER BAYLINSON:**  
 11 Q. Dave, without me asking you a  
 12 million questions, did -- did you prepare an  
 13 analysis for this site with respect to any  
 14 notable traffic impacts and whether or not the  
 15 site could accommodate the mini -- miniature  
 16 golf course use for purposes of the parking?  
 17 A. **Yes, we did.**  
 18 Q. Could you please share your  
 19 analysis with the board and your conclusions?  
 20 A. **We -- we went out and we did some**  
 21 **traffic and parking counts along Euclid and**  
 22 **New Hampshire over last weekend, Friday evening,**  
 23 **Saturday midday, so we could quantify what the**  
 24 **parking demands were today and whether or not**  
 25 **there would be sufficient parking along Euclid**

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1 **and New Hampshire for the proposed use.**  
 2 **What we found is that the peak**  
 3 **parking demands on Euclid during the times of**  
 4 **our surveys, which were the peak periods on**  
 5 **Friday evening and the peak midday during**  
 6 **Saturday, were three vehicles, maximum, on**  
 7 **Euclid, one vehicle, maximum, on New Hampshire.**  
 8 **I have seen pictures of some sort**  
 9 **of event or something going on that did show**  
 10 **full parking along Euclid Avenue. I'm not sure**  
 11 **what the background of that was. But, I did**  
 12 **note, in the background, you can see**  
 13 **New Hampshire, and there only appeared to be one**  
 14 **vehicle parked on New Hampshire.**  
 15 **As our --**  
 16 **[Indiscernible - overtalking]**  
 17 Q. And -- and Dave -- Dave, that's  
 18 typical of any site anywhere. There -- there  
 19 are -- there are occasions or special events  
 20 that, obviously, create a parking demand.  
 21 That's not peculiar to this site. That would  
 22 apply anywhere.  
 23 A. **That is correct.**  
 24 **And it appeared to be some special**  
 25 **function, based on the background, but I don't**



<p style="text-align: right;">62</p> <p>1 know exactly what was happening within that 2 photo.</p> <p>3       What I can say is that, based on my 4 experience in driving around in the area on a 5 regular basis and, also, the surveys that we did 6 during the -- the peak times, there appears to 7 be, on -- on a regular day, more than sufficient 8 parking along Euclid Avenue and on New Hampshire 9 in proximity to the site.</p> <p>10       As Art had already said, there's at 11 least 19 parking spaces available along Euclid 12 Avenue, between New Hampshire and the boardwalk, 13 and there is at least 37 spaces along 14 New Hampshire, between Atlantic and Pacific, for 15 a total of 56 available parking spaces on 16 street, public parking spaces. And as you can 17 see from the surveys that we took, there was 18 only a maximum four vehicle demand within those 19 56 spaces during our surveys.</p> <p>20       So, there is a general availability 21 of on-street parking in this area that would be 22 available for this particular use and, I 23 believe, providing substantiation for the 24 parking variance that we're requesting.</p> <p>25       And as Mr. Ponzio has already</p>	<p style="text-align: right;">64</p> <p>1 use for mini golf; bicycles, walking. And as a 2 result, the peak parking demand that we might 3 expect for a mini golf course that would be 4 developed in a suburban area would be completely 5 different for a shore community.</p> <p>6       Based on my experience in shore 7 communities and mini golf courses and bike 8 rental facilities, there is, regularly, no 9 parking provided. And -- and particularly, I'm 10 thinking of my hometown in Ocean City.</p> <p>11       There are several mini golf courses 12 along the boardwalk. No specific parking for 13 the public related to that. Again -- again, 14 you're relying on the on-street parking spaces 15 or public parking lots.</p> <p>16       I will note that, in Ocean City, 17 there's also one mini golf course that is not 18 located on the parking -- on -- on the 19 boardwalk, and three parking spaces, I believe, 20 were provided on that site and, again, the 21 balance of the parking was public parking that 22 surrounds that particular use.</p> <p>23       So, it seems like it's pretty 24 regular, with regard to this use, to look at the 25 public parking as a way to provide for the</p>
<p style="text-align: right;">63</p> <p>1 talked about, the difficulty in terms of how you 2 design a plan for a site when you try to include 3 parking, in this case, since there's available 4 parking on the site, it leads to more 5 flexibility in terms of getting a proper design. 6 And I believe that's what's been done in this 7 case.</p> <p>8       I'll also note that, if we go 9 outside of the Euclid block and the 10 New Hampshire block, between Atlantic and 11 Pacific Avenue, and extend to about a 1,200-foot 12 walking distance, which is more than a 13 reasonable walking distance to the site, you're 14 probably talking about an additional 15 availability of 50 more parking spaces on 16 street.</p> <p>17       And so there -- there is plenty of 18 on-street public parking available for this 19 development and for the -- what is being 20 proposed.</p> <p>21       I'll also note that, based on the 22 testimony, there is synergy between the 23 boardwalk and this type of use. There's synergy 24 between other modes of transportation to get to 25 the boardwalk or get to the -- the particular</p>	<p style="text-align: right;">65</p> <p>1 means.</p> <p>2       And I think, based on Mr. Ponzio's 3 testimony with regard to the synergy and the 4 applicant's testimony with regard to how this 5 will operate, it seems to fit into my experience 6 with regard to boardwalk-related mini golf uses, 7 bike rental uses.</p> <p>8       I'll -- I'll also state one other 9 thing with regard to traffic, since --</p> <p>10       When we were doing our parking 11 counts, we also did traffic counts, and we 12 reviewed some NJDOT data that was available for 13 New Hampshire Avenue. Very low traffic in the 14 area. This is not gonna create any traffic 15 issue, because it doesn't generate a whole lot 16 of traffic, and there's a lot of available 17 capacity on the streets in the area.</p> <p>18       So, from that perspective of it 19 being a low traffic generator, from it being a 20 low parking generator, from having available 21 parking, I would conclude, from a transportation 22 planning perspective, that there's not gonna be 23 any detriment to the public here nor any 24 impairment to the zoning ordinance or the master 25 plan with regard to an approval for this mini</p>

<p style="text-align: right;">66</p> <p>1 <b>golf development.</b>  2 Q. Did -- did your analysis include  3 any traffic impacts by patrons who might drive  4 to the course and whether or not the level of  5 service at the adjacent intersections would be  6 degraded in any way?  7 <b>A. Yes.</b>  8 <b>We -- we did look at the Institute</b>  9 <b>of Transportation Engineers. They do have some</b>  10 <b>data on a mini golf course. And it's very low.</b>  11 <b>It's under ten trips per day that would -- or</b>  12 <b>ten trips per peak hour that would be generated.</b>  13 <b>So, again, it's a very, very low</b>  14 <b>generator.</b>  15 <b>And I think that also would take</b>  16 <b>into account that there's other modes of</b>  17 <b>transportation to get to this proposed use.</b>  18 <b>And, obviously, this is particularly located to</b>  19 <b>allow that to happen.</b>  20 Q. So, if you're at an intersection of  21 Euclid and whatever adjacent streets, you're not  22 gonna wait any longer because this golf course  23 is there next year -- or not next --  24 <b>A. That is correct. It's not gonna</b>  25 <b>create any traffic impact that would change the</b></p>	<p style="text-align: right;">68</p> <p>1 Do you have the ability to come on  2 camera, at all, or no?  3 UNIDENTIFIED FEMALE SPEAKER FROM  4 <b>THE AUDIENCE:</b> I don't know.  5 [Indiscernible - overtalking]  6 The camera's there, he said.  7 <b>LANCE LANDGRAF:</b> All right. Do you  8 have a phone on as well as your sound for your  9 computer?  10 [Indiscernible - overtalking]  11 You can't have both of them on  12 because it creates an echo and feedback.  13 UNIDENTIFIED FEMALE SPEAKER FROM  14 <b>THE AUDIENCE:</b> He -- he knows. We have the  15 laptop on.  16 <b>LANCE LANDGRAF:</b> All right. So,  17 can we just use that instead of --  18 UNIDENTIFIED FEMALE SPEAKER FROM  19 <b>THE AUDIENCE:</b> But, we're gonna use mine. We're  20 gonna use the main computer.  21 <b>LANCE LANDGRAF:</b> Okay. That sounds  22 a little better now.  23 UNIDENTIFIED FEMALE SPEAKER FROM  24 <b>THE AUDIENCE:</b> We're off his laptop.  25 All right. I -- I put the camera</p>
<p style="text-align: right;">67</p> <p>1 <b>level of service or operating conditions in the</b>  2 <b>-- on the road -- street network.</b>  3 Q. Thank you very much.  4 <b>CHRISTOPHER BAYLINSON:</b>  5 Mr. Landgraf and other hearing officers, that's  6 the direct testimony we intend to -- to submit.  7 We are ready to open to the public  8 or ask questions of any of our professionals  9 that you'd like.  10 <b>LANCE LANDGRAF:</b> Okay. What we're  11 gonna do now, we -- we know we have Miss Eleanor  12 Murray, who has raised some concerns with this  13 application. She submitted some documents.  14 We're gonna go to her at this point  15 and let her kind of ask her questions and -- and  16 do what -- what she -- she would like to do.  17 Dan, can you help her unmute or at  18 least allow her to unmute?  19 You're muted, Dan.  20 <b>DANIEL DONOHUE:</b> She should have  21 the ability to unmute.  22 UNIDENTIFIED FEMALE SPEAKER FROM  23 <b>THE AUDIENCE:</b> I -- I don't --  24 <b>LANCE LANDGRAF:</b> Eleanor, are you  25 there?</p>	<p style="text-align: right;">69</p> <p>1 on, then.  2 <b>SCOTT COLLINS:</b> Lance, I think,  3 before we begin, we should swear her in.  4 <b>LANCE LANDGRAF:</b> Yes. Yep.  5 [Indiscernible - overtalking]  6 I think she's trying to get her  7 camera -- she's trying to get her camera going  8 right now.  9 [Indiscernible - low speaking  10 background voices]  11 UNIDENTIFIED FEMALE SPEAKER FROM  12 <b>THE AUDIENCE:</b> I'm afraid to touch anything.  13 <b>LANCE LANDGRAF:</b> Down -- down --  14 down the bottom left there should be a -- it  15 says "stop video."  16 UNIDENTIFIED MALE SPEAKER FROM THE  17 <b>AUDIENCE:</b> Yeah.  18 <b>LANCE LANDGRAF:</b> Click that.  19 UNIDENTIFIED FEMALE SPEAKER FROM  20 <b>THE AUDIENCE:</b> You've got to put a line through  21 it.  22 <b>LANCE LANDGRAF:</b> All right. So, is  23 your -- is your camera in the -- in your laptop  24 or your computer?  25 UNIDENTIFIED MALE SPEAKER FROM THE</p>

<p style="text-align: right;">70</p> <p>1 <b>AUDIENCE:</b> Yes.  2 UNIDENTIFIED FEMALE SPEAKER FROM  3 <b>THE AUDIENCE:</b> Yes.  4 <b>LANCE LANDGRAF:</b> Is it recognizing  5 it?  6 So, there's -- there's a little  7 caret right next to the "stop video." If you  8 click on that, it will ask you what camera to  9 use. There should be an integrated web cam.  10 [Indiscernible - low speaking  11 background voices]  12 UNIDENTIFIED MALE SPEAKER FROM THE  13 <b>AUDIENCE:</b> It's not coming up.  14 UNIDENTIFIED FEMALE SPEAKER FROM  15 <b>THE AUDIENCE:</b> It's not coming up.  16 <b>LANCE LANDGRAF:</b> Scott, are we okay  17 with -- without her being on camera?  18 <b>SCOTT COLLINS:</b> Yeah. We can  19 proceed.  20 <b>LANCE LANDGRAF:</b> Okay.  21 UNIDENTIFIED FEMALE SPEAKER FROM  22 <b>THE AUDIENCE:</b> Wait a minute. We have "share  23 screen." How about that? No?  24 <b>LANCE LANDGRAF:</b> I don't think that  25 will help you.</p>	<p style="text-align: right;">72</p> <p>1 he's gonna speak, we have to have him sworn in,  2 but if not, okay.  3 UNIDENTIFIED FEMALE SPEAKER FROM  4 <b>THE AUDIENCE:</b> Do you want to do it, Barry?  5 [Indiscernible - low speaking  6 background voices]  7 <b>SCOTT COLLINS:</b> It might be easier  8 just to swear him in and --  9 UNIDENTIFIED FEMALE SPEAKER FROM  10 <b>THE AUDIENCE:</b> Oh. Yeah. Barry, you'll --  11 they'll swear you in.  12 You can't have both computers on at  13 once.  14 <b>LANCE LANDGRAF:</b> No, you cannot.  15 It's causing a lot of feedback. And we have --  16 we are recording this, so we have to have a  17 clear recording of -- of the meeting.  18 <b>CHRISTOPHER BAYLINSON:</b> Oh. Yeah.  19 I'm okay with it. I just wanted to know if he  20 was gonna testify or not. That -- that's all.  21 <b>LANCE LANDGRAF:</b> Okay. So,  22 Eleanor, is he gonna speak at all?  23 [Indiscernible - low speaking  24 background voices]  25 UNIDENTIFIED FEMALE SPEAKER FROM</p>
<p style="text-align: right;">71</p> <p>1 <b>DANIEL DONOHOE:</b> No. That won't  2 show you.  3 <b>LANCE LANDGRAF:</b> Yeah.  4 All right. We're gonna proceed  5 with you just on -- on audio.  6 Eleanor, if you could raise your  7 right hand, our solicitor's gonna swear you in.  8 <b>SCOTT COLLINS:</b> Do you swear to  9 tell the truth, the whole truth, and nothing but  10 the truth in your testimony here today?  11 UNIDENTIFIED FEMALE SPEAKER FROM  12 <b>THE AUDIENCE:</b> Yes, I do.  13 <b>CHRISTOPHER BAYLINSON:</b> And, Scott,  14 I -- I heard somebody else in the background  15 kind of answering questions with Ms. Murray.  16 Should that person be identified?  17 UNIDENTIFIED FEMALE SPEAKER FROM  18 <b>THE AUDIENCE:</b> It's Barry Barnes, my fiancé. He  19 lives here.  20 <b>LANCE LANDGRAF:</b> Is he gonna be --  21 [Indiscernible - overtalking]  22 -- testifying as well, Mrs. Murray?  23 UNIDENTIFIED FEMALE SPEAKER FROM  24 <b>THE AUDIENCE:</b> Not as far as I know.  25 <b>LANCE LANDGRAF:</b> Okay. Because if</p>	<p style="text-align: right;">73</p> <p>1 <b>THE AUDIENCE:</b> Yeah. So, he can.  2 <b>LANCE LANDGRAF:</b> All right. Please  3 have him come closer to the microphone and get  4 sworn in.  5 [Indiscernible - low speaking  6 background voices]  7 <b>SCOTT COLLINS:</b> Good morning, sir.  8 Could you raise your right hand?  9 Do you swear to tell the truth, the  10 whole truth, and nothing but the truth in your  11 testimony here today?  12 UNIDENTIFIED MALE SPEAKER FROM THE  13 <b>AUDIENCE:</b> Yes, I do.  14 [Indiscernible - overtalking]  15 <b>SCOTT COLLINS:</b> And I -- I didn't  16 get your name. I'm sorry. Could you repeat  17 that or --  18 UNIDENTIFIED MALE SPEAKER FROM THE  19 <b>AUDIENCE:</b> Barry, B-a-r-r-y, Barnes,  20 B-a-r-n-e-s.  21 <b>THE COURT REPORTER:</b> I'm sorry.  22 Say it again?  23 UNIDENTIFIED MALE SPEAKER FROM THE  24 <b>AUDIENCE:</b> Barry -- the name is Barry Barnes,  25 B-a-r-r-y, B-a-r-n-e-s.</p>

<p style="text-align: right;">74</p> <p>1           <b>THE COURT REPORTER:</b> Thank you.  2           <b>LANCE LANDGRAF:</b> Okay. Okay.  3 Eleanor, please -- please begin -- or  4 Mrs. Murray. Excuse me. I should be more  5 formal than that.  6           UNIDENTIFIED FEMALE SPEAKER FROM  7 <b>THE AUDIENCE:</b> Eleanor's fine.  8           Okay. My name's Eleanor Murray.  9 I've lived at 30 South Maine for the past 21  10 years.  11           My home is directly across the  12 street or approximately 55 feet from the  13 proposed golf course.  14           We have endured numerous  15 nor'easters, hurricanes, Sandy, everything at  16 this location.  17           I've put \$750,000 into the property  18 to improve it.  19           I own a commercial real estate  20 office in Atlantic City and Cherry Hill.  21           I'm very upset that the city and  22 the CRDA are even entertaining granting a  23 variance to the applicant.  24           And I met the applicant. He called  25 me on the phone. Nick Intrieri. I put him on</p>	<p style="text-align: right;">76</p> <p>1 (ELEANOR MURRAY): Okay.  2           <b>LANCE LANDGRAF:</b> We have -- we have  3 not approved anything yet. That's what today's  4 hearing is for.  5           FEMALE SPEAKER FROM THE AUDIENCE  6 (ELEANOR MURRAY): Okay.  7           [Indiscernible - overtalking]  8           <b>LANCE LANDGRAF:</b> The city -- the  9 city has talked to them and -- and, apparently,  10 according to Mr. Baylinson, given them a --  11 access to a -- a right-of-way to get to the  12 boardwalk. But, that all hinges on how this  13 application moves forward.  14           [Indiscernible - overtalking]  15           <b>CHRISTOPHER BAYLINSON:</b> And that  16 was -- and that was all done in a public  17 hearing.  18           <b>LANCE LANDGRAF:</b> Right.  19           FEMALE SPEAKER FROM THE AUDIENCE  20 (ELEANOR MURRAY): This morning, when I woke up,  21 I thought to myself, the land at the end of  22 Pacific and the boardwalk, it's -- it's  23 city-owned. It's next to the pavilion and  24 Porta-Potties. Why wouldn't they do it right  25 there? It's owned by the city. Block 82, Lot 1</p>
<p style="text-align: right;">75</p> <p>1 speaker. He threatened me if I did not go along  2 with the miniature golf course. He would make  3 my life unbearably -- unbearable, possibly  4 trying to get me to raise my "preference,"  5 (phonetic) which is ridiculous. I had him on  6 speaker.  7           He told me the mayor, city council  8 --  9           <b>LANCE LANDGRAF:</b> Ma'am -- ma'am --  10 Mrs. Murray, we're -- we're gonna focus on your  11 objections to this application.  12           FEMALE SPEAKER FROM THE AUDIENCE  13 (ELEANOR MURRAY): Okay.  14           <b>LANCE LANDGRAF:</b> If you could  15 please focus on that for us.  16           FEMALE SPEAKER FROM THE AUDIENCE  17 (ELEANOR MURRAY): Let's focus on one thing,  18 this one thing.  19           He told me the mayor, city council  20 and the CRDA have already approved everything,  21 so I'm wasting my time.  22           <b>LANCE LANDGRAF:</b> So, that is --  23           [Indiscernible - overtalking]  24           -- that is not the case.  25           FEMALE SPEAKER FROM THE AUDIENCE</p>	<p style="text-align: right;">77</p> <p>1 already has a ramp. Which we sent over to you  2 guys "later" [stated incorrectly] today, before  3 the meeting. I mean, it's perfect, and it  4 already has the ramp right there.  5           <b>LANCE LANDGRAF:</b> Would you like us  6 to bring up that exhibit that you provided?  7           FEMALE SPEAKER FROM THE AUDIENCE  8 (ELEANOR MURRAY): Yes.  9           <b>LANCE LANDGRAF:</b> Dan, could you  10 bring up the latest exhibit that Mrs. Murray  11 sent over to us this morning?  12           <b>DANIEL DONOHUE:</b> Yes. One second.  13           Is this alright?  14           FEMALE SPEAKER FROM THE AUDIENCE  15 (ELEANOR MURRAY): Yeah. Right there.  16           "Lot" [stated incorrectly] 82 --  17 Block 82, Lot 1. Right here.  18           I mean, you got your ramp. It's  19 right next to the park. It's next to the  20 pavilion, it's next to the Porta-Potties.  21           The city owns it. So, if the city  22 wants a miniature golf course, why not put it  23 right there instead of trying to fit a square  24 peg -- peg into a round hole? And that's what  25 they're doing with this little piece of ground.</p>

<p style="text-align: right;">78</p> <p>1           Yep. You know, it's the first 2 thing I thought of. Why not just put it there 3           All right. That's my exhibit. 4           <b>LANCE LANDGRAF:</b> Okay. Do you have 5 any -- 6           [Indiscernible - low speaking 7 background voices] 8           -- do you have anything else you 9 wanted to present? 10          <b>FEMALE SPEAKER FROM THE AUDIENCE</b> 11 (ELEANOR MURRAY): Yeah. I have a -- a photo 12 with all the parking on a Wednesday night, April 13 28th. 14          <b>LANCE LANDGRAF:</b> And, Eleanor, can 15 you do me a favor? 16          Does your web cam have a lid -- a 17 cover? Someone suggested in the chat that you 18 might have a cover over your camera. 19          <b>FEMALE SPEAKER FROM THE AUDIENCE</b> 20 (ELEANOR MURRAY): No, he's saying. 21          <b>LANCE LANDGRAF:</b> No? 22          Okay. I just wanted to check. 23          Thank you for whoever said that. 24          [Indiscernible - low speaking 25 background voices]</p>	<p style="text-align: right;">80</p> <p>1           <b>LANCE LANDGRAF:</b> -- that you talked 2 about. 3           <b>FEMALE SPEAKER FROM THE AUDIENCE</b> 4 (ELEANOR MURRAY): In -- in April. 5           And this -- 6           They put bands in there with loud 7 speakers and dancing and music. And it's like a 8 disco nightclub they have there constantly. All 9 right? 10          The children have no room there. I 11 guess, some of the adults bring their children. 12          But, it's just a bit unbearable, 13 that whole pavilion area. 14          And now, to bring this golf course 15 right there -- 16          First of all, they'll rip it apart 17 in a heartbeat. Know that. Okay? 18          It -- it's just totally 19 destructive, everything in that playground, 20 right now. 21          All right. Let's get back to my 22 objection. 23          Okay. I'm -- I'm upset that the 24 city and CRDA are entertaining granting all 25 these variances to -- to the applicant.</p>
<p style="text-align: right;">79</p> <p>1           Did you want to bring up another 2 exhibit -- or have Dan bring it up for you? 3           <b>FEMALE SPEAKER FROM THE AUDIENCE</b> 4 (ELEANOR MURRAY): Well, the parking is a 5 problem. Okay? 6           <b>LANCE LANDGRAF:</b> Dan, can you bring 7 up that photo, I think, is what she's 8 referencing? 9           <b>FEMALE SPEAKER FROM THE AUDIENCE</b> 10 (ELEANOR MURRAY): And, quite frankly, that 11 entire playground is a problem; with the 12 pavilion, with the drugs and alcohol. 13          They've driven the kids out of the 14 playground, the adults. It's really pathetic. 15          And I think everyone really didn't 16 do their homework on this piece or they wouldn't 17 put anything here. 18          It's the police. Can everybody 19 hear me, or not? 20          <b>LANCE LANDGRAF:</b> Yes. We can hear 21 you. 22          And Dan has the -- the photograph 23 that you sent in, showing the event that -- 24          <b>FEMALE SPEAKER FROM THE AUDIENCE</b> 25 (ELEANOR MURRAY): Yeah.</p>	<p style="text-align: right;">81</p> <p>1           Certainly, the applicant had to 2 know, when he was buying -- or trying to buy -- 3 I know he hasn't bought it; he has it under 4 agreement -- trying to construct an undersized 5 course on a undersized lot, which is improperly 6 zoned. He knew that from day one. Okay? And I 7 -- I imagine the reason he's doing it is because 8 he got a cheap price. 9           And again, I reiterate. If the 10 city wants it, why not put it near the pavilion, 11 over the other end, with the ramp, where "RDA" 12 [pronounced incorrectly] doesn't have to put a 13 ramp in? 14          Okay. I'm -- I'm very emotional 15 about this. Okay? 16          <b>LANCE LANDGRAF:</b> Take your time. 17 Take your time. Take a deep -- 18          [Indiscernible - overtalking] 19          <b>FEMALE SPEAKER FROM THE AUDIENCE</b> 20 (ELEANOR MURRAY): It -- 21          -- so hard. I mean, I've knocked 22 down walls in here overlooking Brigantine. 23          It's unbelievable when you walk in 24 my place. You -- you just wouldn't even believe 25 it if you saw it.</p>

<p style="text-align: right;">82</p> <p>1 [Indiscernible - low speaking  2 background voices]  3 Pardon?  4 The applicant is a contract  5 purchaser of the lot knowing that the use is  6 specifically not permitted.  7 Did the applicant seek available  8 land in zones that permit the proposed use?  9 This site, 120 Euclid Avenue, is in the LH2  10 zone, is adjacent to the LH1 and open space.  11 So, it was --  12 Both of which do not allow the  13 proposed use.  14 Now, I put seven or eight other  15 properties that are available with these uses  16 already in place, and I -- I gave it to CRDA.  17 So, I know that you have it.  18 <b>LANCE LANDGRAF:</b> Dan, could you  19 bring up those exhibits for the alternate sites?  20 <b>DANIEL DONOHOE:</b> Yep. One second.  21 <b>FEMALE SPEAKER FROM THE AUDIENCE</b>  22 <b>(ELEANOR MURRAY):</b> It could be knocked down and  23 made a site. I don't think that's one of the  24 best ones, though.  25 <b>LANCE LANDGRAF:</b> So, Eleanor, why</p>	<p style="text-align: right;">84</p> <p>1 background voices]  2 Other locations along the boardwalk  3 between Ocean "casinos" [pronounced incorrectly]  4 and Showboat. Number seven.  5 And they have For Sale signs on  6 them. And they're the appropriate use, without  7 variances.  8 I submit that the use for this  9 property be denied as it's a nonconforming use.  10 It appears there are other  11 properties available that are zoned for this  12 usage.  13 The applicant may have purchased  14 this property for financial reasons, a great  15 price compared to other available properties.  16 However, this financial aspect is not a  17 consideration in granting a variance.  18 Did the applicant prove that no  19 permitted uses in the zone could be built on the  20 property?  21 The applicant suggested that the  22 property could not accommodate a casino. We do  23 not envision the property having a casino built  24 on it. However, it can accommodate a use -- a  25 by-right application. A triplex can be</p>
<p style="text-align: right;">83</p> <p>1 -- why don't you identify -- as -- as Dan  2 scrolls through them, why don't you identify  3 which one is which? By address would be fine.  4 <b>FEMALE SPEAKER FROM THE AUDIENCE</b>  5 <b>(ELEANOR MURRAY):</b> The what? Address?  6 <b>LANCE LANDGRAF:</b> Yes. Of each --  7 [Indiscernible - overtalking]  8 <b>FEMALE SPEAKER FROM THE AUDIENCE</b>  9 <b>(ELEANOR MURRAY):</b> -- Pacific.  10 Okay. Land on the corner of  11 Atlantic and Connecticut.  12 [Indiscernible - low speaking  13 background voices]  14 Yeah. It's number two.  15 Number three: Waterfront land  16 along the intracoastal waterway, waterway beach  17 thoroughfare, in Atlantic City right there.  18 3.72 acres.  19 Number four: 600 North Delaware  20 Avenue is for sale for 500,000.  21 Number five: 1 Boardwalk, off of  22 Melrose. It's a big piece of property.  23 Number six: 120 Oriental. Land.  24 525,000. It's right next to Ocean.  25 [Indiscernible - low speaking</p>	<p style="text-align: right;">85</p> <p>1 developed on the property without variances.  2 The first two levels of the  3 building can meet the required setbacks and so  4 the 2,400 square foot area.  5 Again, why they have to make it two  6 stories is because it doesn't fit. It doesn't  7 fit a normal golf course.  8 I've never seen a two-story golf  9 course, actually.  10 [Indiscernible - low speaking  11 background voices]  12 The third level could fit a 2,000  13 square foot area, parking underneath for the  14 triplex, 12 spaces or four per unit.  15 Anyhow, the applicant did not prove  16 the answer to number 2, did the applicant prove  17 that no permitted uses in the zone could be  18 built on the property.  19 What unique characteristics of the  20 site itself makes it "particular" [pronounced  21 incorrectly] appropriate for the proposed use  22 rather than a permitted use?  23 A variance -- a variance should  24 only be used when a unique circumstance of the  25 property results in a practical difficulty or</p>

<p style="text-align: right;">86</p> <p>1 undue hardship. There are other sites that have  2 proper zoning and are available. Therefore, the  3 particularly appropriate description does not  4 apply.  5       The parking is terrible on this  6 street. I -- I don't care who did what. The  7 park --  8       And -- and I live on the street.  9 All right? And it's horrible. I can't imagine  10 congesting it even more because someone wants to  11 put a golf course there. And everyone's going  12 along with it.  13       Of course it won't be foot traffic.  14       You have a miniature golf course  15 that was just opened at Showboat in the --  16 what's that called -- the Snake arcade --  17       [Indiscernible - low speaking  18 background voices]  19       -- Lucky Snake.  20       They just opened it.  21       You have bike rentals at Showboat.  22       All right. The reason other  23 variances were submitted was because adequate  24 parking, adequate public transportation, nearby  25 higher and denser buildings, more dense zone</p>	<p style="text-align: right;">88</p> <p>1 be granted without substantial detriment to the  2 public good, without substantial impairment of  3 the intent and purpose of the zone plan and the  4 zoning office -- ordinance. Negative criteria.  5       Anyhow, you have this all on  6 record, which I put in earlier.  7       The bottom line is, it's gonna  8 congest this area much more.  9       <b>LANCE LANDGRAF:</b> Eleanor --  10 Eleanor, can I ask our -- our solicitor a  11 question real quick?  12       FEMALE SPEAKER FROM THE AUDIENCE  13 (ELEANOR MURRAY): Go ahead.  14       <b>LANCE LANDGRAF:</b> Because you  15 referenced a -- a written document that you  16 submitted.  17       FEMALE SPEAKER FROM THE AUDIENCE  18 (ELEANOR MURRAY): Right. Do you have that?  19       <b>LANCE LANDGRAF:</b> We -- I do.  20       Scott, does she have to go through  21 that entire thing or can we enter that into --  22 as part of her objection?  23       <b>SCOTT COLLINS:</b> I -- I did review  24 it. I think we've heard most of it.  25       <b>LANCE LANDGRAF:</b> Yeah. I agree. I</p>
<p style="text-align: right;">87</p> <p>1 across the street.  2       Planning area number one:  3 Metropolitan planning area. A fully built-out  4 municipality that depends on redevelopment.  5 Removal of several nonconforming lots and  6 structures.  7       Also --  8       And -- and again, I had an  9 attorney, but --  10       They had told me to take this to  11 Superior Court. It was gonna cost me a hundred  12 grand. So, I decided to try and represent  13 myself.  14       So, also, in William Cox's book --  15 and you guys have this on record -- 31-5 states  16 that the board may have variances subsumed, not  17 shall.  18       This is not the case in  19 Atlantic City.  20       The "D" variance that was being  21 requested by the North Beach Miniature Golf for  22 this particular location should be denied. The  23 application did not show that, for the purpose  24 of MLUL, it would be advanced by a deviation  25 from the zoning ordinance and the variance can</p>	<p style="text-align: right;">89</p> <p>1 agree.  2       <b>CHRISTOPHER BAYLINSON:</b> I think she  3 has to identify the individual -- individual  4 document that --  5       There were a couple, I -- I recall.  6       <b>LANCE LANDGRAF:</b> Yeah. It was a --  7       It was kind of in a letter form.  8       <b>CHRISTOPHER BAYLINSON:</b> I -- I  9 know.  10       And I have no objection to it. But  11 -- but, I would have to ask her questions on one  12 of them if -- if they go into the record.  13       <b>LANCE LANDGRAF:</b> Yeah. Let her  14 finish first, and then you can --  15       <b>CHRISTOPHER BAYLINSON:</b> Absolutely.  16       <b>LANCE LANDGRAF:</b> -- ask some  17 questions.  18       <b>CHRISTOPHER BAYLINSON:</b> Absolutely.  19       <b>LANCE LANDGRAF:</b> All right.  20 Eleanor, please proceed.  21       FEMALE SPEAKER FROM THE AUDIENCE  22 (ELEANOR MURRAY): Okay. The "D" variance that  23 is being requested by North Beach Miniature Golf  24 for this particular location should be denied.  25       The applicant did not show that,</p>

<p style="text-align: right;">90</p> <p>1 for the purpose of MLUL, would be advanced by a  2 deviation from the zoning ordinance and the  3 variance can be granted without substantial  4 detriment to the public good and without  5 substantial impairment of the intent and purpose  6 of the zone plan and the zoning ordinance.  7 Negative criteria.  8       Additionally, the special reason  9 had not been adequately given to prove the  10 positive criteria.  11       I'm just interjecting my own  12 thought. What's going on in there, over in that  13 playground? I wouldn't put anything there but  14 police. It's horrible.  15       And all you people, apparently,  16 really didn't do your homework. Because I live  17 it, eat it and breathe it every day. And if it  18 weren't for the views --  19       Anyhow. Additionally, the special  20 reason has not been adequately given to prove  21 the positive criteria.  22       The application for the "D"  23 variance is for an application that inherently  24 serves the public good. Schools, public  25 housing, hospitals. These uses are inherently</p>	<p style="text-align: right;">92</p> <p>1           [Indiscernible - overtalking]  2           FEMALE SPEAKER FROM THE AUDIENCE  3 (ELEANOR MURRAY): Special reasons can be  4 satisfied if undue hardship or economic and  5 utility can be proven.  6           The applicant appears to suggest  7 that the inability to make the most profitable  8 use of the site -- because it does not appear  9 that the property has been considered for casino  10 development. This will not qualify as a  11 hardship or -- and utility.  12           Adherence to the municipal land use  13 must be proven. 40-55D-2.  14           The most important special reason  15 is to encourage municipal action to guide the  16 appropriate use or development of all lands in  17 the state in a manner that will promote the  18 public health, safety, morals, and general  19 welfare. If any of the three have not been  20 proven, the applicant must prove the general  21 welfare will be promoted because the proposed  22 site is "particular" [pronounced incorrectly]  23 suitable for the proposed use.  24           The negative criteria must also be  25 proven. The use shall not be substantially</p>
<p style="text-align: right;">91</p> <p>1 beneficial to the public good and, therefore,  2 serves the general welfare. A mini golf course  3 does not inherently serve the public good. Even  4 if the use is beneficial, the applicant still  5 must prove the negative criterias.  6       <b>CHRISTOPHER BAYLINSON:</b> There --  7 there's no claim, Scott, that this is an  8 inherently beneficial use.  9       FEMALE SPEAKER FROM THE AUDIENCE  10 (ELEANOR MURRAY): Pardon?  11       [Indiscernible - overtalking]  12       <b>CHRISTOPHER BAYLINSON:</b> There's --  13 there's no claim that this is inherently  14 beneficial. It's not. You know, it's not --  15       <b>SCOTT COLLINS:</b> It may help you to  16 revisit what the standard is here, once everyone  17 has --  18       <b>LANCE LANDGRAF:</b> Yeah. We'll --  19 we'll go back to that.  20       Chris, just let her go through her  21 -- her --  22       <b>CHRISTOPHER BAYLINSON:</b> Got it.  23       <b>LANCE LANDGRAF:</b> Then we'll --  24 we'll circle back.  25       Go ahead, Eleanor.</p>	<p style="text-align: right;">93</p> <p>1 detrimental to the public good. The use shall  2 not be -- substantially impair the intent and  3 purpose of the zone plan and zoning ordinance.  4       If the special reason had not been  5 proven, the applicant is not entitled to receive  6 a variance.  7       Variance for parking. I strong --  8 strongly disagree with the assessment of the  9 parking. It's horrible.  10       When Nick had called me that night,  11 he did mention, oh, we're gonna get park --  12 parking next year. He didn't go into detail,  13 but that's one of the things he mentioned.  14       Please enter into the record a  15 photo of Euclid Avenue on April 28th, on  16 Wednesday night, at 6:30. That's the picture I  17 showed you. This illustrates the potential for  18 the North Beach mini golf course to exasperate a  19 parking problem that currently exists.  20       The applicant states that he  21 anticipates that most customers will come from  22 pedestrian-friendly boardwalk and that course  23 design encourages boardwalk traffic.  24       On the contrary. The design  25 encourages access to the boardwalk by way of the</p>



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1 proposed ramp off of Euclid.  
 2 I can see the kids skateboarding  
 3 down the ramp. Okay?  
 4 If the applicant believes the bulk  
 5 of his customers will come from the boardwalk,  
 6 why is he building a ramp approximately 150 feet  
 7 long along Euclid Avenue, connecting the street  
 8 with the boardwalk? This ramp will encourage  
 9 people to park on Euclid to get to the  
 10 boardwalk. The use will not be able to rely on  
 11 existing garages or lots.  
 12 There is no symbiosis with other  
 13 uses. Straight parking is the only option.  
 14 There is no private -- privately-owned adjacent  
 15 land for parking and there are long walks to the  
 16 casinos. Showboat Casino: 20 minute walk.  
 17 Showboat is 25 minutes.  
 18 More incidentally, there is now  
 19 another miniature golf course.  
 20 And Hard Rock is a 30-minute walk.  
 21 We have two cars parked in the  
 22 driveway and we have two units in our triplex  
 23 that we have an approved AirBnB usage. They're  
 24 both three bedroom, two bath units. And it's  
 25 not unusual for them to require two and three

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1 cars per unit.  
 2 And again, where do -- you get most  
 3 of the traffic is May through September, which  
 4 is when they want this place to be open. And  
 5 that's when you ought to do your traffic count.  
 6 All right?  
 7 Certain variances requested by the  
 8 applicant for front and side yard variances  
 9 might be taken as a indication that perhaps the  
 10 site is not suitable or that the relief cannot  
 11 be granted without substantial detriment to the  
 12 public. So, such a case should be carefully  
 13 scrutinize -- scrutinized, bearing in mind that,  
 14 as stated in O'Donnell versus Koch, K-o-c-h,  
 15 197 New Jersey Super, at 143, the board has the  
 16 duty to take "recognizes" [pronounced  
 17 incorrectly] of all the variances required for a  
 18 particular application even if the applicant  
 19 does not address that.  
 20 This leads to the Price versus  
 21 Himeji case. It does not apply, and the  
 22 variances are necessarily subsumed.  
 23 Additionally, does the city need  
 24 another miniature golf course? Okay? There is  
 25 an existing course located on the boardwalk,

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1 opposite Convention Hall, that I really don't  
 2 see people in. A brand new golf course at Lucky  
 3 Snake, inside Showboat, within walking distance  
 4 of the proposed miniature golf course. Hmm.  
 5 Again, I feel the property that I  
 6 suggested, Block 82, Lot 1, will be -- with the  
 7 -- with the site -- with the ramp already there  
 8 would be the best place to put this.  
 9 And trying to put a square peg into  
 10 a round hole is not the way to go.  
 11 That's it.  
 12 **LANCE LANDGRAF:** Okay. Thank you,  
 13 Eleanor. I -- I think you did pretty good. You  
 14 got -- you got through your -- your concerns  
 15 and, I think, did pretty well with it. So, you  
 16 -- you were -- you were nervous, but you did a  
 17 good job.  
 18 **FEMALE SPEAKER FROM THE AUDIENCE**  
 19 **(ELEANOR MURRAY):** Thank you.  
 20 **SCOTT COLLINS:** Thank you.  
 21 Can I just jump in for a little  
 22 housekeeping?  
 23 **LANCE LANDGRAF:** Sure.  
 24 **SCOTT COLLINS:** Just in terms of  
 25 the exhibits that were shared with the public,

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1 I'm gonna mark O-1 the picture of the parking --  
 2 was that on Euclid Avenue?  
 3 **FEMALE SPEAKER FROM THE AUDIENCE**  
 4 **(ELEANOR MURRAY):** Yes.  
 5 **LANCE LANDGRAF:** Yes.  
 6 **SCOTT COLLINS:** Sure.  
 7 And O-2 would be --  
 8 [Indiscernible - overtalking]  
 9 **CHRISTOPHER BAYLINSON:** That --  
 10 that's fine. No objection.  
 11 **SCOTT COLLINS:** And O -- O-2 would  
 12 be the listings of the, I think it was five  
 13 alternative properties --  
 14 [Indiscernible - overtalking]  
 15 **LANCE LANDGRAF:** I believe it was  
 16 seven.  
 17 **SCOTT COLLINS:** Or seven.  
 18 They were shared with the public.  
 19 We'll mark them as an exhibit.  
 20 With respect to the written  
 21 submission that Ms. Murray made, that was not  
 22 shared with the public as a document. I don't  
 23 want to mark it as an exhibit, but I believe  
 24 that --  
 25 **CHRISTOPHER BAYLINSON:** Yeah. She

<p style="text-align: right;">98</p> <p>1 testified to it.</p> <p>2       <b>SCOTT COLLINS:</b> -- that you were</p> <p>3 able to get all of your information in.</p> <p>4       So, I think that's --</p> <p>5       If that works for you, Ms. Murray.</p> <p>6       FEMALE SPEAKER FROM THE AUDIENCE</p> <p>7 (ELEANOR MURRAY): I put it in a day -- two day</p> <p>8 -- 24 hours ahead of time, which is what they</p> <p>9 said on -- online, with the pictures.</p> <p>10       <b>LANCE LANDGRAF:</b> And understood.</p> <p>11 All the pictures are in, and your testimony --</p> <p>12 you -- you pretty much read your -- your letter</p> <p>13 that you wrote into the record. So, that is in</p> <p>14 the record by you reading it.</p> <p>15       FEMALE SPEAKER FROM THE AUDIENCE</p> <p>16 (ELEANOR MURRAY): Oh.</p> <p>17       <b>LANCE LANDGRAF:</b> And that's fine.</p> <p>18       [Indiscernible - overtalking]</p> <p>19       FEMALE SPEAKER FROM THE AUDIENCE</p> <p>20 (ELEANOR MURRAY): But, it -- it's just so</p> <p>21 emotional, this whole thing. It really is.</p> <p>22       And -- and the fact that --</p> <p>23       The playground is a complete</p> <p>24 disaster, too. And if you think the miniature</p> <p>25 golf course is gonna help it, fine. Go towards</p>	<p style="text-align: right;">100</p> <p>1 the write-up of each property.</p> <p>2       [Indiscernible - overtalking]</p> <p>3       <b>CHRISTOPHER BAYLINSON:</b> And they're</p> <p>4 -- they're the listings -- they're the listings</p> <p>5 that you submitted ahead of time. Right?</p> <p>6       FEMALE SPEAKER FROM THE AUDIENCE</p> <p>7 (ELEANOR MURRAY): Yes.</p> <p>8       <b>CHRISTOPHER BAYLINSON:</b> Okay.</p> <p>9       [Indiscernible - overtalking]</p> <p>10       Would it surprise -- surprise you</p> <p>11 if I --</p> <p>12       [Indiscernible - overtalking]</p> <p>13       Would it surprise you if I told you</p> <p>14 that miniature golf is not permitted in any of</p> <p>15 that -- those zoning districts?</p> <p>16       FEMALE SPEAKER FROM THE AUDIENCE</p> <p>17 (ELEANOR MURRAY): Well -- well, how about the</p> <p>18 property right adjacent to the one you're trying</p> <p>19 to put the golf course on that the city owns?</p> <p>20 How about that one? That's a real big piece,</p> <p>21 and you could put a 18 "course" [stated</p> <p>22 incorrectly] golf course right there.</p> <p>23       <b>CHRISTOPHER BAYLINSON:</b> All right.</p> <p>24 I don't have any further questions.</p> <p>25       FEMALE SPEAKER FROM THE AUDIENCE</p>
<p style="text-align: right;">99</p> <p>1 the pavilion, where other people are.</p> <p>2       And you've got the ramp.</p> <p>3       <b>LANCE LANDGRAF:</b> Okay. That --</p> <p>4       Mrs. Murray, are you -- are you</p> <p>5 complete with your objection?</p> <p>6       FEMALE SPEAKER FROM THE AUDIENCE</p> <p>7 (ELEANOR MURRAY): Yes.</p> <p>8       <b>LANCE LANDGRAF:</b> Okay. So,</p> <p>9 Mr. Baylinson, if you want to address --</p> <p>10       <b>CHRISTOPHER BAYLINSON:</b> Just one</p> <p>11 issue. That's all.</p> <p>12       <b>LANCE LANDGRAF:</b> Okay.</p> <p>13       <b>CHRISTOPHER BAYLINSON:</b> Ms. Murray,</p> <p>14 my -- my name's Chris Baylinson. I represent</p> <p>15 Mike and Nick.</p> <p>16       Can -- can you tell me what zoning</p> <p>17 districts each of those properties that you</p> <p>18 listed are in or do you know what zoning</p> <p>19 districts they're in?</p> <p>20       FEMALE SPEAKER FROM THE AUDIENCE</p> <p>21 (ELEANOR MURRAY): I -- I don't have the zoning.</p> <p>22       Barry, do you?</p> <p>23       [Indiscernible - low speaking</p> <p>24 background voices]</p> <p>25       I'm sure it's on the -- on the --</p>	<p style="text-align: right;">101</p> <p>1 (ELEANOR MURRAY): I mean, that's perfect.</p> <p>2       <b>LANCE LANDGRAF:</b> Okay.</p> <p>3       <b>CHRISTOPHER BAYLINSON:</b> We'd have</p> <p>4 to go through the -- we'd have to go through the</p> <p>5 --</p> <p>6       [Indiscernible - overtalking]</p> <p>7       -- the same exercise.</p> <p>8       FEMALE SPEAKER FROM THE AUDIENCE</p> <p>9 (ELEANOR MURRAY): I -- I really believe,</p> <p>10 regardless of what you put on that place, it</p> <p>11 will get ripped up.</p> <p>12       <b>CHRISTOPHER BAYLINSON:</b> Thank you,</p> <p>13 Ms. Murray, very much.</p> <p>14       <b>LANCE LANDGRAF:</b> All right.</p> <p>15       [Indiscernible - low speaking</p> <p>16 background voices]</p> <p>17       All right. With that, we'll close</p> <p>18 that portion of -- of our meeting.</p> <p>19       And we're gonna go to our engineer,</p> <p>20 Kathryn Cornforth.</p> <p>21       If you could --</p> <p>22       <b>CHRISTOPHER BAYLINSON:</b> Are we</p> <p>23 gonna go to the public, Lance?</p> <p>24       <b>LANCE LANDGRAF:</b> We will. We're</p> <p>25 gonna have our -- our engineering staff and</p>

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1 planning staff provide their -- their report,  
 2 and then we'll --  
 3 I wanted Mrs. Murray to go ahead of  
 4 time so we could have some interaction there.  
 5 And then we're gonna go to our staff. And then  
 6 we'll open it up to the general public.  
 7 **CHRISTOPHER BAYLINSON:** Thank you  
 8 very much.  
 9 **LANCE LANDGRAF:** Kathryn, please.  
 10 You've been sworn. And please present your  
 11 report.  
 12 **KATHRYN CORNFORTH:** Okay. So, this  
 13 is -- this will be the engineering comments on  
 14 -- on the application. Some of our comments  
 15 were addressed in testimony, so what I'm gonna  
 16 do, any specific questions that I -- that I  
 17 still want specific information on, I'll -- I'll  
 18 ask them, and then I'll probably just ask you  
 19 guys if you object to anything that's in our  
 20 letter.  
 21 Related to the site identification  
 22 sign, do you -- I believe, on the detail sheet  
 23 of the plans you show that it's gonna be a  
 24 building-mounted sign, but there are no  
 25 dimensions provided. We either -- we -- we need

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1 the information provided on a subsequent set of  
 2 plans, as well as confirmation that it will  
 3 conform to all size requirements and that you  
 4 wouldn't need any additional variances or  
 5 waivers related to the sign size.  
 6 **CHRISTOPHER BAYLINSON:** That --  
 7 that's accurate. If we seek any relief with  
 8 respect to signage, we will come back.  
 9 **KATHRYN CORNFORTH:** Okay. And --  
 10 [Indiscernible - overtalking]  
 11 **CHRISTOPHER BAYLINSON:** We'll -- we  
 12 will -- we'll put it in the plan.  
 13 **KATHRYN CORNFORTH:** Okay. And will  
 14 it be a building-mounted sign?  
 15 The only reason why I ask is I  
 16 think your rendering had a freestanding sign.  
 17 **CHRISTOPHER BAYLINSON:** If we -- if  
 18 we -- if we come back for a pole sign, we'll  
 19 have to get a variance for that. I hope --  
 20 We haven't made that decision yet.  
 21 **KATHRYN CORNFORTH:** Okay.  
 22 [Indiscernible - low speaking  
 23 background voices]  
 24 **LANCE LANDGRAF:** Ms. Murray, thank  
 25 you. I was just gonna ask you if you could mute

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1 during the -- our -- our staff presentation.  
 2 Thank you.  
 3 **KATHRYN CORNFORTH:** So, you -- you  
 4 already addressed that you -- you sought  
 5 permission from the city related to installation  
 6 of a ramp.  
 7 I know you -- you talked about  
 8 lighting during your presentation with -- with  
 9 regard to the impact to neighboring properties.  
 10 I had a question about the  
 11 illumination levels versus -- under the deck  
 12 versus above the deck. Does the illumination  
 13 plan you have, is it the same levels for both on  
 14 top of and below the deck or are they -- are  
 15 they different? I couldn't tell.  
 16 **THOMAS DASE:** Yeah. Let me.  
 17 There are two --  
 18 The -- the plan that was originally  
 19 submitted, they are the lighting level at grade;  
 20 the under the deck and then the property.  
 21 On revised plans, I will also be  
 22 providing the lighting levels on the deck level,  
 23 which is a separate -- you know, different, --  
 24 **KATHRYN CORNFORTH:** Okay.  
 25 **THOMAS DASE:** -- obviously,

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1 patterns and everything for that.  
 2 So, that will be included.  
 3 **KATHRYN CORNFORTH:** And then those  
 4 -- just asking the question. I get those would  
 5 be a separate pattern. Will they have any  
 6 impact on the illumination levels that are  
 7 leaving your site?  
 8 **THOMAS DASE:** No. That -- that --  
 9 [Indiscernible - low speaking  
 10 background voices]  
 11 Well, currently, on the plan  
 12 includes those lights.  
 13 **KATHRYN CORNFORTH:** Okay.  
 14 **THOMAS DASE:** It's just that's the  
 15 -- the pattern at grade from all of the lighting  
 16 combined.  
 17 **KATHRYN CORNFORTH:** That's answered  
 18 my question.  
 19 **LANCE LANDGRAF:** Karen, that was  
 20 Tom Dase speaking, if you couldn't get that.  
 21 **THE COURT REPORTER:** Thank you. I  
 22 did get that. Thank you.  
 23 **KATHRYN CORNFORTH:** And then so I  
 24 assume you're going --  
 25 I'm gonna assume, but I would like

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1 confirmation. You're just gonna match up  
2 boardwalk-type materials for all of your  
3 elevated deck, or do you plan to do a different  
4 material?  
5 **CHRISTOPHER BAYLINSON:** We're gonna  
6 match materials.  
7 **KATHRYN CORNFORTH:** Okay.  
8 **CHRISTOPHER BAYLINSON:** Similar  
9 materials.  
10 **KATHRYN CORNFORTH:** Okay.  
11 [Indiscernible - low speaking  
12 background voices]  
13 The --  
14 I --  
15 You have the information that shows  
16 the -- the ramp is gonna be ADA-accessible.  
17 Could you just --  
18 With regard to ADA routes  
19 throughout the site, just to -- to get the  
20 testimony on -- on the record --  
21 I know that -- that they'll be able  
22 to come up off of the -- the -- off of the road,  
23 into the right-of-way, through your deck, and  
24 onto the boardwalk, but for those that are  
25 coming strictly to use the mini golf course, if

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1 they need it to -- for ADA accessibility, just  
2 on the record, how are they gonna traverse to  
3 the site?  
4 **CHRISTOPHER BAYLINSON:** Nick or  
5 Mike will have -- will cover that for you.  
6 **ARTHUR PONZIO:** What was that?  
7 **CHRISTOPHER BAYLINSON:** The ADA --  
8 A -- ADA path through -- from grade, through the  
9 site, if the -- if somebody needs to have  
10 accessible accommodation.  
11 **MICHAEL INTRIERI:** Yeah. The plan  
12 is -- the plan is, they can play the three holes  
13 up top, and they'll have a separate ADA entrance  
14 with -- that points down and a -- and a separate  
15 entrance on the lower level, and they'll pick up  
16 on the hole right there and be able to play the  
17 entire course.  
18 **KATHRYN CORNFORTH:** And they -- the  
19 -- throughout the -- the --  
20 I know one of our comments was just  
21 the lack of grading information in certain  
22 places. Just confirmation that the -- the lower  
23 level golf course will be ADA-accessible from a  
24 grading perspective.  
25 **MICHAEL INTRIERI:** Yes. It -- it

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1 will be relatively flat. Very -- very minimal  
2 grade challenges, just with the -- with the  
3 putting and -- you know, the putting will be  
4 challenging, but everything will be  
5 ADA-compliant.  
6 **KATHRYN CORNFORTH:** Okay. That was  
7 all the additional testimony that -- and  
8 information that I needed.  
9 All of my other comments in my  
10 letter, it's just more of a do you guys have any  
11 objections to any of the additional information  
12 I requested on the plans or would you guys want  
13 to discuss anything with me, or do you agree to  
14 everything else?  
15 **CHRISTOPHER BAYLINSON:** Art, the  
16 report's okay?  
17 **ARTHUR PONZIO:** Yes. It looks  
18 good.  
19 **CHRISTOPHER BAYLINSON:** Okay.  
20 **LANCE LANDGRAF:** Okay. Thank you,  
21 Kathryn.  
22 Christine?  
23 **CHRISTINE COFONE:** Good morning,  
24 everyone.  
25 For the record, Christine Nazzaro

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1 Cofone.  
2 Do I need to be sworn, Lance?  
3 **LANCE LANDGRAF:** I think, Scott --  
4 [Indiscernible - overtalking]  
5 **SCOTT COLLINS:** You've testified  
6 before and -- and remain under oath.  
7 **CHRISTINE COFONE:** Okay.  
8 **SCOTT COLLINS:** Before you start,  
9 though, could we just mark your letter, your  
10 joint letter, which I believe is dated March  
11 25th, 2021 --  
12 **CHRISTINE COFONE:** That's correct.  
13 **SCOTT COLLINS:** -- as B-1?  
14 **CHRISTINE COFONE:** You're marking  
15 it as what?  
16 **SCOTT COLLINS:** B-1.  
17 **CHRISTINE COFONE:** B-1. Okay.  
18 Thank you.  
19 Okay. So, good morning, and thank  
20 you for your comprehensive presentations.  
21 As we've heard, this is an  
22 application for a use variance for a  
23 non-inherently beneficial use.  
24 So, I think it's important, from a  
25 planning point of view, you know, as we've heard

<p style="text-align: right;">110</p> <p>1 from various parties and entities, but I -- I  2 think it's important that we understand, when  3 you have a non-inherently beneficial use, what  4 we should be considering here.  5       And we should certainly be  6 considering the particular suitability that is  7 relevant.  8       And when you're talking about  9 particular suitability, it's somewhat of an  10 illusive concept. It's not defined in the  11 Municipal Land Use Law. It's not defined,  12 really, anywhere. And that's not unusual or  13 uncommon. It's not defined in the CRDA  14 regulations.  15       But, what it is is a concept in  16 planning. And you don't have to demonstrate  17 that your use is the only use that would be  18 appropriate for this site and you don't have to  19 rule out other uses as being appropriate and you  20 don't have to rule out other uses in the zone as  21 being inappropriate.  22       While that is helpful and planners  23 often do that, and I often do that when I'm  24 testifying as an expert on the negative criteria  25 or the impact on the site -- the -- the zone</p>	<p style="text-align: right;">112</p> <p>1       So, I think that that's an  2 important distinction; of the particular  3 suitability of where our -- our focus should be.  4       As far as special reasons or the  5 positive criteria, I believe the applicant did  6 justify -- or did utilize four of them to  7 substantiate their -- their opinion or their  8 burden of proof.  9       They relied on criteria "A,"  10 promoting the general welfare; criteria "B."  11 They relied on criteria "G," which is sufficient  12 space in appropriate locations. And they also  13 relied on criteria "I." So, that was four of  14 them.  15       In order to substantiate their  16 burden of proof, they only have to satisfy one  17 or more -- or -- or advance one or more purposes  18 of the land use law.  19       In addition to those presented by  20 the applicant, I believe that criteria "M" of  21 the land use law, which talks about an efficient  22 use of the land, could also be considered here.  23 Given the dimensions of the property that  24 Mr. Ponzio went through -- and he went through  25 the fact that, when you apply the building</p>
<p style="text-align: right;">111</p> <p>1 plan, when we're considering a particular  2 suitability, we just have to consider, is there  3 something about this particular piece of  4 property that makes it unique or appropriate for  5 this use.  6       And I think the applicant's planner  7 did a -- a very good job of talking about the  8 dimensions of this property and why it lends  9 itself to the layout for the proposed golf  10 course.  11       He specifically testified to -- as  12 to the 60-foot dimension of the property, its  13 proximity to the boardwalk, which will allow it  14 to take care of foot traffic, and the fact that  15 the use is going to be reliant on foot traffic.  16       So, those are the type of things  17 that I think we want to be guided by when we're  18 considering a particular suitability and what  19 we're required to consider.  20       Again, we're not --  21       The applicant does not have --  22       One of the burden of proof the  23 applicant has to go through is not to rule --  24 rule on other uses where this use -- or the  25 proposed use may or may not be permitted.</p>	<p style="text-align: right;">113</p> <p>1 criteria to that, that this open -- open  2 air-type use is somewhat well suited to this  3 property, I think lends itself to consideration,  4 also, of criteria "M" of the land use law, which  5 does speak to efficient use of the land.  6       So, then the applicant is --  7       You know, whether you're an  8 inherently beneficial use or not, which the  9 applicant stated -- Mr. Baylinson stated on the  10 record they are not intending to seek that type  11 of designation, you have to substantiate the  12 proof of the negative criteria.  13       And when you're evaluating the  14 negative criteria, the land use law does not ask  15 us to hold this or any other applicant to such a  16 standard that there being a detriment; just that  17 the benefits of the grant of the variance  18 outweigh the negatives and that there's not a  19 substantial detriment or substantial negative  20 impact on the zone plan or the public good.  21       So, again, what -- what -- what we  22 do, as planners, is, when we're looking at the  23 impact on the zone plan --  24       The subject property sits in the  25 LH2 zone. You look at, okay, well, what was</p>

<p style="text-align: right;">114</p> <p>1 that zone contemplated to do and what does that  2 zone also allow.  3 And I think some of the things that  4 Mr. Ponzio pointed to were the fact that  5 conditionally permitted in this zone are parks  6 and playgrounds.  7 And playgrounds really can be  8 contemplated in a wide latitude of ways. You  9 have an active park that has playground  10 equipment, as well as tennis courts and sport  11 courts immediately adjacent to the subject  12 property.  13 You also have, in the LH2 zone,  14 allowable, as of right, are the retail sale of  15 goods and services, together with bars and  16 restaurants.  17 So, this is not a zone -- or this  18 is not a location that was not contemplated for  19 commercial activity by the CRDA.  20 Quite the opposite. When you look  21 at what the stated purpose of that zone is to do  22 and one of the planning objectives of the -- the  23 Tourism District is to develop an  24 economically-viable and sustainable Tourism  25 District.</p>	<p style="text-align: right;">116</p> <p>1 which, I think, would certainly --  2 I think an argument can be made, as  3 far as parking, that there are uses permitted as  4 of right that would be far -- far more impactful  5 with respect to parking than the subject  6 application that is being proposed.  7 I am -- I am in agreement with the  8 fact that this is the type of use that would fly  9 with foot -- foot traffic, and I think it's  10 something that could be synergistic with the  11 foot traffic that would have access to the  12 boardwalk. So, I think that that's also a  13 consideration in the -- in the impact on the  14 negative criteria.  15 But, I just want it to be clear --  16 very clear for the record that, from a planning  17 point of view --  18 And I'm a licensed professional  19 planner. I've been practicing almost 25 years.  20 Qualified as an expert witness in over 400  21 planning and zoning municipalities throughout  22 the state.  23 So, I'm very familiar with the  24 proof that needs to be put forth to substantiate  25 the justification of a use variance.</p>
<p style="text-align: right;">115</p> <p>1 So, I think that, certainly,  2 diversifying the types of recreational  3 activities and those type of uses that could be  4 amenable -- or -- or available to, you know, a  5 more family-friendly or in -- a use that really  6 transcends all age groups could certainly be  7 considered to align with that goal of the  8 Tourism District. So...  9 And that's, again, the substantial  10 detriment.  11 Ms. Cornforth was -- was right on  12 target, too, asking about the lighting impacts.  13 Obviously, we would want to be concerned that  14 this use or any other use is not having any  15 adverse impacts. And I think the applicant  16 testified or Mr. Ponzio, I believe it was, had  17 testified on direct that we weren't going to  18 have any lights going associated with this  19 property. So, I think that that's also an  20 important consideration in the negative criteria  21 and the impacts on the public good.  22 So, I think that those are some of  23 the -- the considerations.  24 Again, as of right in this  25 location, permitted are retail sales and bars,</p>	<p style="text-align: right;">117</p> <p>1 And I -- I think it's very clear  2 that we understand that it's the particular  3 suitability, the positive and the negative  4 criteria, as well as the Medici reconciliation  5 for the omission of this use from the zone plan.  6 And I think --  7 You know, mini golf is not  8 enumerated as a specifically permitted use, but  9 parks and playgrounds are allowable as a  10 conditional use. So, I think, perhaps, this use  11 just wasn't contemplated as -- to be prohibited.  12 It's not it's -- it's a prohibited use, which  13 is, again, I think, an important distinction.  14 But, I just want -- I want the  15 focus to be clear as to what we should be  16 considering, in my opinion, anyway, as the  17 professional planner, advising the CRDA.  18 So, again, I think Mr. Ponzio's  19 presentation was comprehensive. In my opinion,  20 he did address all of the proofs required for a  21 non-inherently beneficial (d.)(1) variance, and  22 I just added to his proofs and some color, my  23 own planning thoughts, bringing in positive  24 criteria and -- and, again, talking about the  25 impact on the zone plan and then, specifically,</p>

<p style="text-align: right;">118</p> <p>1 that -- that stated purpose of the Tourism  2 District, which calls for a diversification of  3 uses. So, I think that that's an important  4 consideration here.  5 And, of course, we want to make  6 sure that we're -- we're -- like, if we're  7 allowing these uses, that we do it without --  8 you know, without any negative impacts on the  9 adjoining property owners.  10 And I think that that was addressed  11 by the applicant, as well, through the lighting.  12 And I think Mr. Shropshire and the  13 applicant certainly framed the utilization of  14 their property, the utilization; how they're  15 anticipating their customers and their clients  16 to get to the site. And I don't think the  17 parking variance is one that is going to have a  18 detriment here.  19 I think, like I said, if you look  20 at some of the uses in the LH2 zone, this use  21 actually is probably more suited to an area that  22 it -- that really doesn't rely on a ton of  23 parking because it would rely on foot traffic as  24 well.  25 So, those are my considerations</p>	<p style="text-align: right;">120</p> <p>1 there. It was left out of that zone. That  2 would have still needed a use variance for this  3 particular use. I believe it would have.  4 But, I think, it -- it's telling --  5 and I know Mr. Ponzio brought it up in his  6 presentation, that those three blocks running  7 from the boardwalk to Rhode Island Avenue, up to  8 the lighthouse, are all recreation/open  9 space-based lots.  10 And had this lot been owned by the  11 city or -- or even us, as the CRDA, we would  12 have zoned it, most likely, open space and  13 recreation.  14 So, you know, I -- I wanted that to  15 be on there.  16 Because we -- we went through that.  17 We -- we drew that line around this particular  18 parcel.  19 So, I just wanted to put that on  20 there.  21 Scott, I have a question for you.  22 We had a couple of people that had to jump off  23 because our meeting ran a little bit longer than  24 it typically does. They have posted comments in  25 the chat. Is that appropriate to read them or</p>
<p style="text-align: right;">119</p> <p>1 from a planning point of view.  2 I -- I do believe the applicant  3 identified and addressed the burden of proof as  4 -- as requested in our March 25th, 2021 review  5 letter, which has been identified as B-1 this  6 morning.  7 <b>LANCE LANDGRAF:</b> Okay. Thank you,  8 Christine.  9 <b>CHRISTINE COFONE:</b> You're welcome.  10 <b>LANCE LANDGRAF:</b> And -- and you and  11 I and Rob Reid and, even, Scott worked on the  12 zoning when we did our regulations.  13 <b>CHRISTINE COFONE:</b> Extensively.  14 Yes.  15 <b>LANCE LANDGRAF:</b> Yeah. It was a  16 long -- long haul.  17 This particular parcel is part of a  18 block that -- that the rest of that entire block  19 we zoned as open space and recreation.  20 The only reason this lot was left  21 out is because it was the only parcel that was  22 privately owned.  23 <b>CHRISTINE COFONE:</b> Right.  24 <b>LANCE LANDGRAF:</b> So, it's -- it's  25 kind of a little notch right up by the boardwalk</p>	<p style="text-align: right;">121</p> <p>1 just --  2 They will be recorded in the chat  3 as part of this document. Correct?  4 <b>SCOTT COLLINS:</b> Yeah. I'm looking  5 at it right now.  6 I think it might be helpful to read  7 them.  8 <b>LANCE LANDGRAF:</b> Okay. I'll go  9 through and read them.  10 The first two are just questions.  11 One: Mr. Francis was talking about the camera  12 cover.  13 And Mike Lopez asked how to -- how  14 to chime in.  15 So, from Jamie Hoagland: "Hi. I  16 have to jump off for" 'other' -- "another  17 meeting, but this project is supported by the  18 Tennessee Avenue restaurants, Tennessee Avenue  19 Beer Hall, Cuzzie's Pizzeria, Rhythm &amp; Spirits,  20 and Bar 32 Chocolate.  21 "I would also like to point out  22 that Tennessee Avenue was messy," in quotes,  23 "when we started building. I think we've made  24 fantastic progress of cleaning up the area in  25 the past three years.</p>

<p style="text-align: right;">122</p> <p>1 "I think this project has the 2 potential to make the mini golf area a very 3 desirable location." 4 Jake Francis: "I have to drop off. 5 Could I public comment, please?" 6 If he's already -- if he's still 7 here, he'll get that chance in a minute. 8 Sharon Franz, who's with Steel 9 Pier, is in support of this project. "We 10 support projects that will help the" community 11 and tourism community -- "the local community 12 and tourism community." 13 Sharon Franz also: "Projects like 14 this give local high school children 15 opportunities for jobs." 16 And Jake Francis said he's still 17 here so he'll be able to speak. 18 Jesse Kurtz, Councilman Jesse 19 Kurtz: "I support the North Beach mini golf 20 project. It is a great project. It will be a 21 fantastic complement to the city. 22 "That area of the city recently had 23 a new boardwalk and seawall constructed. It is 24 beautiful. There has" been -- "has not been 25 much private development subsequently.</p>	<p style="text-align: right;">124</p> <p>1 if it's just public comment, -- 2 <b>LANCE LANDGRAF:</b> Okay. All right. 3 [Indiscernible - overtalking] 4 <b>SCOTT COLLINS:</b> -- it's all good. 5 <b>LANCE LANDGRAF:</b> All right. 6 <b>DANIEL DONOHOE:</b> I'm going to let 7 everyone in. And you're gonna have the ability 8 to share your screen -- or your face and talk, 9 but I would just kindly ask you to wait until 10 everyone's in so we can kind of run this 11 orderly; don't just -- 12 <b>LANCE LANDGRAF:</b> Okay. 13 <b>DANIEL DONOHOE:</b> -- jump out your 14 thoughts as soon as you get in. 15 All right? 16 <b>LANCE LANDGRAF:</b> Right. 17 So, what I'll do, Dan, is I'll call 18 on people as I see them in -- in -- with their 19 hand up. 20 <b>DANIEL DONOHOE:</b> All right. 21 <b>LANCE LANDGRAF:</b> All right? 22 <b>THE COURT REPORTER:</b> Lance, is this 23 a good time I can take a couple of minutes? 24 <b>LANCE LANDGRAF:</b> To -- 25 <b>THE COURT REPORTER:</b> Hit the --</p>
<p style="text-align: right;">123</p> <p>1 "This project is family-friendly 2 and can be the first of many projects to build 3 up the vacant lots in the inlet section of our 4 town. 5 "Thank you for including my 6 thoughts and consideration of this project." 7 So, with that, if there's nothing 8 else from the panel because people might have to 9 jump off, I do want to get to the public. 10 Is that good, Scott? 11 <b>SCOTT COLLINS:</b> Yep. 12 <b>LANCE LANDGRAF:</b> Okay. So, Dan, I 13 know there's a lot of people with raised-up 14 hands in the -- in the chat. So, if you could 15 start off with a -- 16 I don't know if it comes in in 17 order or whatever, but start off letting people 18 into the public so they can make their comments. 19 [Indiscernible - overtalking] 20 Do we swear all these in, Scott? 21 <b>SCOTT COLLINS:</b> Sorry? I didn't 22 understand you. 23 <b>LANCE LANDGRAF:</b> Do -- do they -- 24 do we need to swear in all the public? 25 <b>SCOTT COLLINS:</b> No. If -- if it --</p>	<p style="text-align: right;">125</p> <p>1 <b>LANCE LANDGRAF:</b> Sure. 2 So, we'll -- we'll put this on 3 pause for a second. 4 <b>THE COURT REPORTER:</b> Okay. 5 <b>LANCE LANDGRAF:</b> Our -- our court 6 reporter needs to take a minute. 7 <b>THE COURT REPORTER:</b> Thank you. 8 (A recess was taken between 11:48 9 a.m. and 11:49 a.m.) 10 <b>THE COURT REPORTER:</b> Thank you. 11 I'm ready. 12 <b>LANCE LANDGRAF:</b> Okay. Thank you, 13 Karen. 14 Dan, is there a way I can tell who 15 chimed in first, or no? 16 <b>DANIEL DONOHOE:</b> We'll start with 17 Gerald here. He's got -- 18 <b>LANCE LANDGRAF:</b> All right. 19 Mr. Schatz. He's waving his hand there. 20 UNIDENTIFIED MALE SPEAKER FROM THE 21 AUDIENCE: Yep. Can you hear me? 22 <b>LANCE LANDGRAF:</b> Yes, sir. 23 MALE SPEAKER FROM THE AUDIENCE 24 (GERALD SCHATZ): Okay. Gerald Schatz, the 25 owner of the parcel in consideration here.</p>



<p style="text-align: right;">126</p> <p>1 I happen to be a psychologist, an  2 educator, and a contributor to the welfare of  3 children of all ages.  4 I founded four not-for-profits, the  5 largest childcare center -- not-for-profit  6 childcare center in Montgomery County,  7 Pennsylvania, and I have been a resident of  8 New Jersey, and I've been, as a child, a -- a --  9 a liver and lover of Atlantic City.  10 And our -- my grandfather had the  11 property back at the beginning of the 20th  12 century, and as -- and we've inherited through  13 -- I'm in the third generation to have it. And  14 my brother and sister and two other cousins are  15 owners, and I'm the primary owner of more than  16 50 percent.  17 And I --  18 When -- when Nick and -- and  19 Michael came to me with this proposition of  20 using the property for this kind -- kind of  21 purpose, I recognized its relative importance to  22 the magic of -- of Atlantic City.  23 It is on a --  24 And -- and it's been testified to  25 this by -- by you people on the board there;</p>	<p style="text-align: right;">128</p> <p>1 on Absecon Island.  2 And I -- and I think we're --  3 I think you guys are headed in the  4 right direction in the use of the property as  5 proposed for a mini golf course.  6 It does fit together with what's  7 being done there.  8 And it does my heart good. And I  9 think it will do the whole community well to --  10 to take that into consideration as a make  11 Atlantic City better and make Atlantic City  12 best. It's -- it's one of those things that  13 will do so.  14 And I'd be happy to answer any  15 questions you have of me.  16 <b>LANCE LANDGRAF:</b> Okay. Thank you,  17 Mr. Schatz. I -- I don't think I have any  18 questions.  19 I'm gonna move through.  20 I see County Commissioner Amy Gatto  21 is -- is on there.  22 Amy, do you want to say a few  23 things?  24 <b>FEMALE SPEAKER FROM THE AUDIENCE</b>  25 <b>(COUNTY COMMISSIONER AMY GATTO):</b> Yes. Hi,</p>
<p style="text-align: right;">127</p> <p>1 that it has --  2 In that -- in that area, it fits in  3 with the recreational needs and to the  4 psychological benefit of children.  5 And that's been my goal throughout  6 life is to serve kids, serve kids of all sort,  7 or even ones that can't afford.  8 So, it is with particular joy that  9 I participate in the -- in making it possible  10 for Atlantic City to -- to encourage this sort  11 of socialization and bringing families together  12 in a -- in -- in a -- in a -- in a wonderful  13 social situation.  14 So, I will tell you that, as a  15 child, that I visited my grandfather's hot dog  16 stand on that property. And it was taken down  17 in one of the local hurricanes sorts of things  18 and didn't exist for most of the 20th century.  19 And -- and we just carried the  20 property. We've been good taxpayers for the  21 property.  22 And all of us, my cousins and all,  23 came to Atlantic City.  24 My grandmother had a place on  25 Oriental Avenue. I'm still an owner of property</p>	<p style="text-align: right;">129</p> <p>1 everyone. Thank you so much for recognizing me  2 and allowing me to speak in public comment.  3 I just wanted to mention, number  4 one, that I think that this is one of the best  5 and most perfect uses for this type of activity  6 in the inlet area, and I -- I do --  7 You know, we've -- we've spent so  8 much investment, whether it's the CRDA, the  9 ACIA, or us, as Atlantic County, working to try  10 to do things that would attract developers.  11 I think that Nick and Mike and all  12 of -- all of their investors --  13 They're -- they're not big  14 developers. They're not people who can just  15 throw money away if something does or doesn't  16 work out. They're using --  17 They're regular good people who are  18 using their savings, putting their savings on  19 the line in the name of investing in  20 Atlantic City's future.  21 And they're also keeping that money  22 within Atlantic City. So, whatever they're  23 making, they're also, then, reinvesting.  24 I happen to know that they have  25 several AirBnB properties in the city that</p>

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1 they've worked to fix up.  
 2 As you heard, Mike moved to  
 3 Atlantic City from north Jersey.  
 4 And they really have the heart of  
 5 the -- of the city and the county at the  
 6 forefront.  
 7 They are working in grass roots --  
 8 grass roots efforts to change the face and the  
 9 narrative of Atlantic City, block by block. And  
 10 that's really what we need to do and what we try  
 11 to attract as we talk to people in trying to  
 12 bring them to the city and to the county.  
 13 Again, I know that -- this area  
 14 well. I know the investment that has been made.  
 15 I do hear the suggestion for some  
 16 of the other parcels. I -- I -- I wonder if the  
 17 AC parcel that was mentioned was potentially  
 18 purchased with Green Acres or open space money,  
 19 which would prevent it from being developed.  
 20 **LANCE LANDGRAF:** That -- that's  
 21 what my concern would have been, too, Amy.  
 22 **FEMALE SPEAKER FROM THE AUDIENCE**  
 23 **(COUNTY COMMISSIONER AMY GATTO):** Yeah. Mm-hmm.  
 24 I do believe that the positive and  
 25 negative criteria have been satisfied and gone

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1 through thoroughly.  
 2 And I do think that another ramp  
 3 access to a natural -- natural -- our natural  
 4 resource is always a great thing, and I really  
 5 do think it would help open up additional  
 6 development in some of those adjoining blocks.  
 7 I think that this -- these are the  
 8 type of developers that we're seeing come to the  
 9 county that we want to continue to attract to  
 10 the county and that we want to continue to -- to  
 11 be a good partner with, because, again, that  
 12 grass roots -- grass roots efforts, block by  
 13 block, parcel by parcel, is what is going to  
 14 help our area grow and thrive in the future as  
 15 we come out of the pandemic and, hopefully,  
 16 regain the momentum that we had going as a city  
 17 and as a county before the pandemic hit us.  
 18 So, I appreciate your  
 19 consideration, and I fully support this program  
 20 and the endeavors of these two young men. And I  
 21 -- I really hope that you will give it its  
 22 consideration and approval.  
 23 Thank you so much.  
 24 **LANCE LANDGRAF:** Thanks.  
 25 [Indiscernible - overtalking]

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1 **CHRISTOPHER BAYLINSON:** Lance, that  
 2 property -- that property you're talking about  
 3 is, in fact, Green Acres -- Green Acres  
 4 registered.  
 5 **LANCE LANDGRAF:** That's what I  
 6 thought. Thank you.  
 7 With that, I'm gonna go to Barbara  
 8 Woolley-Dillon, who's the City's director of  
 9 planning and development, Atlantic City's  
 10 director of planning and development.  
 11 **FEMALE SPEAKER FROM THE AUDIENCE**  
 12 **(BARBARA WOOLLEY-DILLON):** Thank you so much,  
 13 Lance.  
 14 I actually sat through most of the  
 15 hearing, because I was in Zoom class today --  
 16 or, as we call it, Zoom jail.  
 17 But, anyway. Listening to the  
 18 presentation, I certainly am empathetic to the  
 19 neighbor that had expressed her concerns. As a  
 20 professional planner, I thought she did a  
 21 bang-up job of dealing with the planning issues.  
 22 I concur with Christine Cofone,  
 23 CRDA's planner, that the applicant did address  
 24 the absolute necessary requirements for granting  
 25 the use variance relief.

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1 You were absolutely correct in that  
 2 the surrounding property is Green Acres  
 3 dedicated. It is preserved. There is --  
 4 I don't --  
 5 It -- it does permit recreation  
 6 parking, things like this, but -- and I'm gonna  
 7 dance delicately here.  
 8 Atlantic City does great things.  
 9 We have really good efforts. Sometimes,  
 10 maintenance falls off a little bit.  
 11 I understood that the woman was  
 12 thinking that maybe Atlantic City could do well  
 13 with a miniature golf course if we ran it.  
 14 However, I can assure her that that would not be  
 15 the case.  
 16 These types of interests -- these  
 17 types of projects are best left to the private  
 18 market. We simply don't have the manpower to  
 19 staff and run something like this. It -- it  
 20 just wouldn't be achievable.  
 21 I will also say that I met with  
 22 Mr. Errico, Mr. -- both of the Intrieris. I'm  
 23 sorry. I'm looking for them on the screen.  
 24 And when they first came to see me  
 25 with Art Ponzio, their professional, I told them

<p style="text-align: right;">134</p> <p>1 that they didn't dream big enough. The project  2 was very conservative. And I said, you need to  3 look bigger, you need to look better. I think  4 that there's a lot of potential for this area,  5 and I don't think you capitalized on that.  6       They did a fantastic job. They  7 responded.  8       They've been in to see me three or  9 four times.  10       The city did, in fact, pass a  11 resolution of support for that public ramp going  12 up to the boardwalk. Yes, it does traverse the  13 property, but there is now another connection  14 point that we are not going to have to pay to  15 propose. It will be a public/private venture.  16 This is how we've really looked at it.  17       As investors, we do greatly  18 appreciate this in Atlantic City. I think it's  19 a wonderful effort. I think it's a perfect  20 location for this.  21       I'm also gonna say that if you go  22 to any other seashore community -- and I'll say  23 Wildwood and Ocean City as two examples -- there  24 isn't just one mini golf course location. There  25 are multiple throughout different locations on</p>	<p style="text-align: right;">136</p> <p>1 it's that one only single privately-owned  2 parcel, but I -- I couldn't think of a better  3 complement to that public open space.  4       So, as the director of planning for  5 the city of Atlantic City, my hat is off to the  6 investors. They even went ahead and purchased  7 the lot without the approval. So, that was very  8 bold. That was very aggressive. They put their  9 money where their mouth was. And we do need  10 that here in Atlantic City.  11       So, I -- I can't say enough  12 positive things.  13       And we fully support our local  14 businesses.  15       So, thank you very much.  16       <b>LANCE LANDGRAF:</b> Thank you,  17 Barbara.  18       I -- I know Jake is getting antsy  19 there. I see he's --  20       He had mentioned he has another  21 meeting to get to.  22       So, Jake Francis, if you want to  23 chime in now, you can.  24       <b>MALE SPEAKER FROM THE AUDIENCE</b>  25 (JAKE FRANCIS): So, I do appreciate it,</p>
<p style="text-align: right;">135</p> <p>1 the boardwalk, even outside of the boardwalk  2 area, and the reason why is, if one gets full,  3 somebody wants to go have something to do.  4       It is a -- a -- a wonderful  5 family-friendly activity. This is what we are  6 attempting to stress, if at all possible.  7       It was mentioned in the mayor's  8 city of the -- state of the city address. I  9 think it's a great idea. I can't speak more  10 positively about a project that I've seen come  11 through the city in a long time.  12       So, we're very pleased with it.  13       They've taken the ball. They've  14 run with it. I think they've done a great job.  15 We've been very supportive.  16       We know that there are some  17 challenges with that particular park, and we are  18 going to be working to try and address them,  19 thanks to the state's efforts with funding that  20 will be made to the city, hopefully, if we are  21 successful in -- in obtaining a grant to clean  22 up, maintain and improve some of our other park  23 areas.  24       So, this is a great complement in  25 that location. A little bit unique, in that</p>	<p style="text-align: right;">137</p> <p>1 everyone. Thanks again for having me.  2       I, too, sat in on much of the  3 meeting today.  4       As he mentioned, my name is Jake  5 Francis. And while I'm a current property owner  6 and full-time resident at -- of Atlantic City,  7 specifically, 2721 Boardwalk, you know, I have  8 maintained residence in both Margate and Ventnor  9 City for the past six years, the latter of which  10 have -- I recently sold in an effort to reinvest  11 in Atlantic City, which is a city that I  12 certainly have a soft spot in my heart for.  13       I have no formal business dealings  14 with these gentleman at all, and I'm simply here  15 to discuss my excitement for the idea for the  16 betterment of Atlantic City.  17       I'm not gonna talk about variances  18 or zoning ordinances. I certainly have no  19 exhibits. I can't speak to any negative  20 criteria. I'm simply here as a -- as a citizen.  21       I -- I heard Mr. Ponzio make  22 mention of past potential but failed usage  23 opportunities for the land, to include bars and  24 residential units, and I'd like to speak to that  25 specifically, though I'll keep my comments as</p>

<p style="text-align: right;">138</p> <p>1 brief as possible.  2 Ms. Murray did mention a few  3 concerns, and I want to make it clear that I --  4 I -- I love this city as well. And I also am  5 very appreciative as -- as to how long she's  6 been a faithful resident of same.  7 So, I'm gonna provide my own  8 feedback on some of those concerns as well.  9 First, you know, to touch on this  10 idea of a -- of a square peg in a round hole,  11 you know, my -- you know, my only -- my only  12 polite challenge to this would be how -- how a  13 family-friendly golf course could in any way,  14 shape or form really be seen as a square peg,  15 right, in a city that is otherwise -- or in --  16 in an area of the city that's otherwise vacant  17 and what problem the course would solve a few  18 yards away from that property that wouldn't, in  19 fact, solve for the proposed area. Right?  20 With regard to the neèr-do-wells  21 that -- that some of us have seen around that  22 community, the illumination plan for this  23 business, in my completely humble and  24 unprofessional opinion -- I'm not a planner, I'm  25 not a developer, I'm not an engineer; I'm simply</p>	<p style="text-align: right;">140</p> <p>1 business owners to ensure that there's a healthy  2 law enforcement presence around the facility,  3 particularly during the first year of  4 operations, as they start to develop a -- a safe  5 reputation around the community, which one I --  6 I would humbly advise them to do. And I think  7 that that would placate some of Ms. Murray's and  8 other very close residents' concerns.  9 Ultimately, I -- our question here,  10 I -- I think it's very simple by nature. Right?  11 So, does the land as it's currently being used,  12 does it provide more value added to the city  13 other than a project that these young gentlemen  14 are -- are trying to accomplish?  15 Similarly, what is the alternative  16 to that solution? Could it be argued there  17 would be a healthier and more wholesome one than  18 this golf course?  19 You know, a -- a -- a few people  20 mentioned that, you know, there have been some  21 neèr-do-wells that hang out and displace the  22 children at the playground.  23 You know, could it not be argued  24 that this golf course could actually bring with  25 it a certain semblance of normalcy and that</p>
<p style="text-align: right;">139</p> <p>1 a business person that -- that lives here, I  2 think the illumination plan for the business  3 project would be a well amenity -- would be an  4 unwelcome amenity to some of those bad folks and  5 could, in fact, deter them from future ill  6 advised behavior in and around the adjacent  7 playground.  8 Lastly, while I'm -- while I'm very  9 appreciative that some may have never heard of a  10 two -- two-story golf course, you know, there --  11 there was a time when we had never heard of an  12 electric car or we'd never heard of a wireless  13 phone, and now they're both part of our daily  14 lives.  15 Yes. Kids could absolutely  16 skateboard down the ramp of the course. You  17 know, this --  18 You know, these -- these kind of  19 nuances are, unfortunately, not enough reason  20 for us not to, you know, build a beautiful  21 family-friendly course on a plot of land that's  22 otherwise a blight to the beautiful landscape.  23 The simple truth of the matter is  24 this. Right? It's incumbent upon the property  25 -- I -- you know, this business owner -- these</p>	<p style="text-align: right;">141</p> <p>1 neighborhood feel -- or neighborhood feel that  2 -- in an effort to take back, kind of, part of  3 the neighborhood that -- that we so love?  4 Conversely, what else would fill  5 the gap in the city and its place? Would it be  6 alcohol? Would it be this triplex that we're  7 talking about?  8 I -- I think that, ultimately,  9 these folks -- you know, these young guys have  10 realized, right, that Atlantic City kind of  11 feels -- kind of finds itself in a bit of an  12 identity crisis right now.  13 You know, an identity crisis that  14 -- kind of post-COVID really gives our city a  15 true opportunity to begin to slowly pivot from a  16 culture of gambling, oh, and, also,  17 entertainment destination to simply an  18 entertainment and, oh, we also have gambling  19 destination.  20 Now, let me be very clear in my  21 sentiment. You know, these comments are not  22 coming from a casino hater. I, in fact, have  23 the casinos to thank for my paycheck over the --  24 the greater part of my professional career.  25 But, the idea here is simple. Our</p>

<p style="text-align: right;">142</p> <p>1 target demo has, largely, been gamblers. How do  2 we attract those who may not have that gambling  3 appetite? How do we continue to attract  4 families and begin -- begin to make a more  5 familial environment?  6       And the answer is more water parks,  7 more arcades, more go-cart tracks, more indoor  8 sports emporiums, more climbing walls, more bike  9 tracks, and more party events, and, yes, more --  10 more golf courses like this.  11       The city keeps talking and talking  12 and talking about this. I heard --  13       Ms. Gatto made mention of larger  14 developers keeping on talking about this, but  15 these guys are actually trying to do it.  16       And that's my piece. I -- I  17 welcome this project, and I wish you guys the  18 best.  19       Thanks, guys.  20       <b>LANCE LANDGRAF:</b> Thank you, Jake.  21 I'm gonna go to --  22 I have a list on the side of -- of  23 my screen here. I'm just gonna go to the top of  24 it. And who's the first hand up there is John  25 Errico.</p>	<p style="text-align: right;">144</p> <p>1 project in a very long time. The --  2       There are a lot of developers, a  3 lot of investors, myself included, that would  4 love to do projects in the inlet and are hoping  5 to do it, but there also has to be someone to do  6 the first project.  7       So, I know that we're talking  8 about, in this context, a mini golf facility,  9 which is, maybe, not, you know, the most fancy  10 or, you know, luxurious, unbelievable thing to  11 build.  12       I mean, I grew up in Florida. I  13 probably lived within 15 minutes of a dozen  14 different mini golf places.  15       But, the significance of their  16 project, I don't think, should be understated,  17 which is that this is the first really  18 significant ground-up project happening in the  19 inlet in decades.  20       And it's a project that's not being  21 funded by casinos -- not that there's anything  22 wrong with that, but it's local investors  23 investing their own money. As we've heard  24 several times already, committed to the city and  25 doing something that I think of great benefit to</p>
<p style="text-align: right;">143</p> <p>1       MALE SPEAKER FROM THE AUDIENCE  2 (JOHN ERRICO): Thanks, Lance. I really  3 appreciate the opportunity to -- to speak to  4 this.  5       My name is John Errico. I'm an  6 attorney. I'm also a real estate investor. I  7 run what I believe to be the largest  8 multi-member opportunities fund in Atlantic City  9 right now, investing in real estate.  10       I'm strongly in support of this  11 project, very excited about it.  12       And I thought the presentation done  13 by the experts and Nick and Mike was -- was  14 really fantastic.  15       I don't -- I don't want to rehash a  16 lot of information or -- or what Jake had said  17 previously, because I agree strongly with all of  18 those things.  19       But, I do want to touch on one  20 thing, which is that I think, as we all know on  21 this call, the inlet has been a place devoid of  22 development for decades. I think, with the  23 exception of one residential property, one  24 building that I'm aware of, there's been no  25 brand of development done anywhere near this</p>	<p style="text-align: right;">145</p> <p>1 everyone, whether you're here as a family or  2 here to have fun, or anywhere in between.  3       So, I --  4       You know, someone has to be first,  5 and Nick and Mike will be the first with this  6 project. I think that's going to spur  7 development from my company and some other  8 people around there to invest.  9       I also just want to speak very  10 specifically to Nick and Mike, individually, who  11 I've known --  12       I've known Nick, now, for six or  13 seven years in different contexts.  14       And I -- I -- not only am I very  15 confident that Nick and Mike will build a mini  16 golf facility here, I'm very confident that Nick  17 and Mike will build the best mini golf facility  18 that anyone on this call will have ever  19 attended. I'm -- I'm extremely confident in --  20 in their ability to execute.  21       I'm very excited to -- to play  22 there and -- and be a participant in there.  23       So, I think that we're about to  24 hear an -- an avalanche -- in a good way -- of  25 support from all walks of life; investors, local</p>

<p style="text-align: right;">146</p> <p>1 residents, everybody in favor of this project.  2 So, I'm -- I'm very excited to add  3 my voice to that. And I really would urge the  4 board to vote in favor of the approval.  5 <b>LANCE LANDGRAF:</b> Thank you, John.  6 Next up, I have Mike Lopez.  7 <b>MALE SPEAKER FROM THE AUDIENCE</b>  8 <b>(MICHAEL LOPEZ):</b> Hey, folks. What's happening?  9 Mike Lopez here. Resident. I  10 actually lived out on New Hampshire Avenue for  11 quite some time.  12 As someone who prides himself in  13 and about Atlantic City; not developing, not  14 throwing cash around or whatnot -- and these two  15 guys are not doing that -- talking to people,  16 whether they be residents or tourists and  17 talking to people, whether it be on my radio or  18 TV show, what they always ask about love our --  19 our casinos and whatnot, again, the shows, what  20 the gentleman just spoke of. Things to do for  21 family.  22 I mean, it's -- it's --  23 To me -- and I hate using this  24 term. It seems to me, for me, it's a  25 no-brainer.</p>	<p style="text-align: right;">148</p> <p>1 concerns, and that was great that they were  2 heard out and they were given this opportunity,  3 but as someone who just sees it for the  4 potential it is.  5 And, just as the man just spoke  6 about, these two guys, Nick and Mike, are really  7 -- with any others involved, are about it.  8 You know, when somebody moves  9 that's 35, 36 years old, this -- again, this --  10 what we were just talking about, it's always  11 talked about, talked about, let's do this, let's  12 do that.  13 Well, they're actually doing it.  14 And when you move and pick up and grab your  15 family and say this is what I'm gonna do because  16 I want to be part of this 365, and put my heart  17 and my money into it and my mind and my soul.  18 So, again, great presentation.  19 I -- I -- I love what you're doing.  20 I'll be a huge supporter in it. And I can't  21 wait to promote this thing if it does happen and  22 go out there. Because I can't hit a golf ball  23 straight on a golf course, but I can definitely  24 do something on a mini golf course.  25 So, you know, God bless.</p>
<p style="text-align: right;">147</p> <p>1 We talk about a soft commercial  2 use.  3 Mr. Baylinson was talking about  4 citizens, tourists, and most important, I  5 believe, the youth, as far as jobs.  6 When I say "youth," I don't mean  7 just 10-year-old, 15-year-olds. We're talking  8 about jobs, summer jobs.  9 Also, that being said, with the  10 Johnson report, the master plan was brought up.  11 I mean, if you go onto the Johnson report, do  12 yourself a favor, folks, read through it.  13 That's all Mr. Johnson's talking about, his  14 report to the governor, is -- is development,  15 you know, philanthropists, that sort of thing,  16 and youth -- you know, getting involved.  17 So, that area, I can see that just  18 being a -- a magnet for other great --  19 Oh. Like I said, whether it's the  20 playground being upgraded, which it was a few  21 years ago. I had the opportunity to cut that  22 ribbon a few years ago with a former mayor.  23 It just needs to be done. Again,  24 it's something --  25 I -- I understand the woman's</p>	<p style="text-align: right;">149</p> <p>1 And again, it's another phrase that  2 I like to use: Live, work, play AC. These guys  3 are living it, they're gonna work it, and we're  4 gonna play it.  5 So, thank you for the opportunity.  6 <b>LANCE LANDGRAF:</b> Thanks, Mike.  7 Next up, I have Matthew  8 Diullio-Jusino.  9 Close with that name, Matt --  10 Matthew?  11 <b>MALE SPEAKER FROM THE AUDIENCE</b>  12 <b>(MATTHEW DIULLIO-JUSINO):</b> Yeah. Pretty close.  13 That's --  14 Good morning. My name's Matthew  15 James Diullio-Jusino. I'm an Atlantic City  16 resident.  17 So, I'm -- I'm a resident of  18 Atlantic City and a -- a candidate for city  19 council at large.  20 Basically, there's been a lot of  21 talk on both sides of the political aisle  22 saying, for years, that Atlantic City needs to  23 diversify its economy. And there's been much  24 talk of development in this area for years.  25 And it's no secret that Atlantic</p>

<p style="text-align: right;">150</p> <p>1 City has a bad reputation among developers, from  2 the headache-inducing permit and land uses  3 processes and our unfriendly business  4 incentives.  5       So, this brings us to today, where  6 this gentleman has moved to Atlantic City.  7       And he believes, as I do, in the  8 renaissance of our city. He has invested over a  9 year of his labor and tens of thousands of  10 dollars into this project.  11       Denying this land use variance will  12 send a clear message to others, and there are  13 many who are watching to see what happens today.  14       It's also my understanding that  15 this project will bring much needed employment  16 opportunities for Atlantic City youth, which is  17 one of the primary reasons I support this  18 project.  19       And another reason I support it is  20 Atlantic City has a growing addiction recovery  21 community, and projects such as these, as the  22 one proposed today, provide an excellent  23 opportunity for sober fun, which is a key tool  24 in restoring the lives of those plagued with  25 drug addiction.</p>	<p style="text-align: right;">152</p> <p>1 from screens and with one another while at one  2 of LBI's countless mini golf courses.  3       And the proposed project offers --  4 offers hope that a new family-friendly business  5 can flourish on this end of Absecon Island,  6 perhaps even serving as a model for future  7 entrepreneurs to take a similar adventure of  8 their own.  9       As I come of age and grow a family  10 of my own in the not too distant future, I look  11 forward to creating similar -- similar memories  12 to those I carry with me from my childhood in  13 Long Beach Island right here in Atlantic City.  14       Thanks to Nick, Mike, CRDA, and  15 everyone else that's been a project -- a part of  16 this project for, hopefully, making this a  17 reality.  18       And thanks for the rest of you for  19 your time and consideration.  20       I fully support this project and  21 hope that CRDA can see to it to overrule the  22 objections and grant this variance.  23       <b>LANCE LANDGRAF:</b> Thank you, Ryan.  24       I just got a notification from Dan,  25 who is our -- my kind of Zoom guru here that we</p>
<p style="text-align: right;">151</p> <p>1       This could easily be interpreted as  2 inherently beneficial to the public good.  3       So, in summary, I plead this board  4 overrule the objections and grant this land use  5 variance so that we may begin getting back to  6 work and restoring the economy here in  7 Atlantic City.  8       Thank you.  9       <b>LANCE LANDGRAF:</b> Thank you,  10 Matthew.  11       Next up, I have Ryan Goldfarb.  12       <b>MALE SPEAKER FROM THE AUDIENCE</b>  13 <b>(RYAN GOLDFARB):</b> Thank you, Lance.  14       Hi, everyone. My name is Ryan  15 Goldfarb. I am also a partner with John Errico  16 of the Atlantic City Focus Opportunities John  17 mentioned.  18       Separately, I own a house right  19 around the corner from the site of the proposed  20 mini golf course. And my brother is buying a  21 home within a stone throw of the course.  22       I grew up spending summers with my  23 family in Long Beach Island. Some of my fondest  24 memories among the five of us was when we were  25 all engaged, entertained, and spending time away</p>	<p style="text-align: right;">153</p> <p>1 -- this meeting -- we only put in till  2 1 o'clock. We've never had a meeting run this  3 long.  4       So, we have to speed things up a  5 little bit.  6       So, I'm gonna stop talking and get  7 the next person up. But, if you could kind of  8 tighten down your -- your comments, that will be  9 appreciated. We'll try to get to everybody.  10       Next up, I have Tina Notaro.  11       <b>FEMALE SPEAKER FROM THE AUDIENCE</b>  12 <b>(TINA NOTARO):</b> Hi. Thanks.  13       I am actually a resident in the  14 city. I live at NoBe, at 640 Atlantic. So, up  15 in the north end.  16       I'm just here as a community member  17 to share my support.  18       And, you know, it's, obviously, a  19 family-friendly project that's pretty low  20 impact, considering.  21       I also just wanted to provide some  22 quick, like, anecdotal perspective; that,  23 growing up, my dad always chose to bring us to  24 Atlantic City when, you know, he was bringing us  25 out to have fun, and the mini golf was one of</p>

<p style="text-align: right;">154</p> <p>1 the things that we always did on the boardwalk.  2 And I ended up choosing to move  3 here and to, you know, start my professional  4 career living in the city.  5 So, I fully support their project,  6 and I wish them the best of luck.  7 <b>LANCE LANDGRAF:</b> Thank you, Tina.  8 Next up, Marla Blanche Scheffler.  9 FEMALE SPEAKER FROM THE AUDIENCE  10 (MARLA BLANCHE SCHEFFLER): Hi there. I'm glad  11 you got to me before the 1 o'clock cutoff.  12 Because I live right here, and I've  13 been living on this street for ten years.  14 And I cut through that area on my  15 bike a lot.  16 And I -- I grew up in Northfield.  17 I -- I used to surf on this street. And I  18 watched it over the years.  19 And I think this is absolutely good  20 for families to want to hang out down here.  21 My family used to hang out here  22 when I was a kid. We'd come down to Captain  23 Starn's.  24 <b>LANCE LANDGRAF:</b> Augh. Great spot.  25 FEMALE SPEAKER FROM THE AUDIENCE</p>	<p style="text-align: right;">156</p> <p>1 there with my grandson.  2 And that's all I have to say.  3 Thank you.  4 Good luck, you guys. I hope you  5 get it.  6 <b>LANCE LANDGRAF:</b> Thank you, Marla.  7 Do you remember feeding the seals  8 at -- at Hackney's and Starn's?  9 FEMALE SPEAKER FROM THE AUDIENCE  10 (MARLA BLANCHE SCHEFFLER): Yes, I do.  11 <b>LANCE LANDGRAF:</b> Me -- me, too.  12 Me, too.  13 Next up, I have Zach Katzen.  14 MALE SPEAKER FROM THE AUDIENCE  15 (ZACH KATZEN): Hi. How are you?  16 <b>LANCE LANDGRAF:</b> Good.  17 MALE SPEAKER FROM THE AUDIENCE  18 (ZACH KATZEN): I am Zach Katzen. I work for  19 the Atlantic City Arts Foundation and also, for  20 Skid AC, a nonprofit in Atlantic City.  21 I grew up fishing in front of  22 Hackney's and hanging out, playing basketball at  23 Altman Park.  24 [Indiscernible - elongated voice  25 on Zoom]</p>
<p style="text-align: right;">155</p> <p>1 (MARLA BLANCHE SCHEFFLER): And Hackney's.  2 And, you know, when I -- when I  3 ride my bike around here with my grandson, yeah,  4 we -- we cut through that park down there, but  5 we -- we usually keep on going and head down to  6 the beach. We don't hang around right there.  7 There's not a lot of little kids for a -- long  8 periods of time right there. You know, it's --  9 it is a lot of adults and partying going on. I  10 think that --  11 I also have had a garden over at  12 the lighthouse for five years. It -- it's --  13 You know, when you're right here,  14 you see the dynamic that, you know --  15 Like Mike Lopez said, it's a  16 no-brainer. It's gonna attract more families,  17 and it will make a more -- harmony for the  18 people that are here from the people that are  19 coming in. It's like a bridge zone -- a -- a  20 mini golf. You know, everybody plays mini golf.  21 It will be great.  22 And -- and there's no alcohol and  23 gambling that goes with mini golf. You know, I  24 -- I -- I can hang there and it's -- you know, I  25 don't have to think about that when I'm down</p>	<p style="text-align: right;">157</p> <p>1 This area hasn't been given  2 opportunities for development or for kids for so  3 long. It's great that there's finally something  4 happening there. It's so much better than a  5 bar.  6 I think it also connects the new,  7 sort of, kids entertainment district. Because  8 one of the questions we get asked all the time,  9 besides the mural tours, are what else is there  10 to do for kids.  11 So, now we have the Steel Pier, the  12 upcoming water park, Lucky Snake arcade, we have  13 the aquarium, we have the lighthouse, and now  14 we'll have mini golf.  15 And we do hope that this mini golf  16 will also draw people to the lighthouse, because  17 we need more people traveling there to keep the  18 lighthouse going.  19 I think all of this ties together  20 great and will be great for Atlantic City.  21 Thank you.  22 <b>LANCE LANDGRAF:</b> Thank you, Zach.  23 Next up, I have Keith Groff.  24 MALE SPEAKER FROM THE AUDIENCE  25 (KEITH GROFF): Hello.</p>



<p style="text-align: right;">158</p> <p>1           <b>LANCE LANDGRAF:</b> Good morning.  2           [Indiscernible - overtalking]  3           <b>MALE SPEAKER FROM THE AUDIENCE</b>  4 (KEITH GROFF): My name's Keith Groff. I've  5 lived in the inlet for 20 years, on four  6 different streets. Built a couple houses and  7 built -- built a couple houses, solar-powered  8 homes.  9           And I always told people about,  10 like, the potential of this area, and the  11 children, the potential. And everyone agrees  12 that there's so much potential, but nothing ever  13 has happened.  14           You know, there's --  15           You had a little bit of stuff going  16 on '06, '07, '08, but it never --  17           You know, it got squashed by '08.  18           And since they built this brand new  19 boardwalk, which is absolutely amazing --  20           This is exactly what this boardwalk  21 was built for and -- and lends itself to.  22           I think the price was something  23 ridiculous, like \$11,000 per linear foot. I  24 think I did the math.  25           And it's built for enjoyment.</p>	<p style="text-align: right;">160</p> <p>1           It's time that we deserve these  2 positive influences in the city.  3           Thank you, guys, so much. And good  4 luck.  5           <b>LANCE LANDGRAF:</b> Thank you, Keith.  6           The last one I have is Carolyn  7 Carr.  8           <b>FEMALE SPEAKER FROM THE AUDIENCE</b>  9 (CAROLYN CARR): Hi. My name is Carolyn Carr.  10 I live on north New Hampshire, very close to the  11 mini golf. I just recently moved to Atlantic  12 City.  13           I know Mike and Marla. I work with  14 AC Mike as well.  15           And I also support the mini golf  16 project and -- and the redevelopment of  17 Atlantic City.  18           <b>LANCE LANDGRAF:</b> Okay. Thank you.  19           <b>FEMALE SPEAKER FROM THE AUDIENCE</b>  20 (CAROLYN CARR): Okay.  21           <b>LANCE LANDGRAF:</b> Is there anyone  22 else in the public that wishes to speak? That's  23 the last hand that I see raised.  24           Do you see any more, Dan?  25           <b>DANIEL DONOHOE:</b> No.</p>
<p style="text-align: right;">159</p> <p>1           And the clear-cut path that CRDA  2 made from the boardwalk to the lighthouse, by  3 making that a -- like a gateway to the  4 lighthouse, the view --  5           The people are gonna enjoy the  6 lighthouse and the city skyline on one side that  7 will never be taken away, and then you turn  8 around and it's just water.  9           And people are gonna be up there,  10 enjoying a snack or getting their bikes or mini  11 golfing is just gonna be an amazing memory for  12 families that Atlantic City deserves.  13           We deserve to have the memories  14 that are made in Ocean City and LBI and every  15 other shore town. It doesn't have to be just  16 gambling and huge crazy parties.  17           And -- and -- and a lot of people  18 make a lot of regretful decisions in casinos.  19           We deserve to have places like this  20 where families build memories to tell their kids  21 and grandkids to bring them back here and to  22 start that in this city; not just the crazy  23 nights at casinos, and then -- and then you have  24 some, maybe, negative connotations to  25 Atlantic City.</p>	<p style="text-align: right;">161</p> <p>1           I -- I believe the phone callers  2 can dial star 6 to unmute.  3           <b>LANCE LANDGRAF:</b> Yes.  4           If you're on the phone, you can hit  5 star 6 and that will unmute you if you want to  6 make a comment.  7           You have a friend who would like to  8 speak. Mark Padula. Mark --  9           Is he on your location, Keith?  10           <b>MALE SPEAKER FROM THE AUDIENCE</b>  11 (KEITH GROFF): Yes.  12           <b>LANCE LANDGRAF:</b> All right. Just  13 put him on -- on camera and he can make his  14 comment.  15           <b>MALE SPEAKER FROM THE AUDIENCE</b>  16 (KEITH GROFF): Great.  17           [Indiscernible - low speaking  18 background voices]  19           <b>LANCE LANDGRAF:</b> Mark, please spell  20 your last name for our court reporter.  21           <b>MALE SPEAKER FROM THE AUDIENCE</b>  22 (MARK PADULA): Sure. P-a-d-u-l-a.  23           <b>LANCE LANDGRAF:</b> Okay. Please make  24 your -- make your statement.  25           <b>MALE SPEAKER FROM THE AUDIENCE</b></p>

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1 (MARK PADULA): Okay. I'll be very brief.  
 2 And I thank you for taking the  
 3 public's comments.  
 4 I'm a 30 plus year resident of  
 5 Atlantic City. I lived 19 years literally one  
 6 block from this location. In fact, Ms. Murray's  
 7 home is actually within the view of my home just  
 8 a half a block away.  
 9 When I met the investor, Mike, in  
 10 this project, he said to me I love  
 11 Atlantic City. And I said, well, if you love  
 12 Atlantic City so much, why don't you make it  
 13 your home? I say that to everyone, because I  
 14 try to welcome as many people to the community  
 15 as I can.  
 16 Well, as you all know, he's  
 17 displayed a great affection for the city, and he  
 18 did make it his home. He relocated from north  
 19 Jersey.  
 20 And one thing that wasn't testified  
 21 to here today was that he will be, literally,  
 22 one block from the proposed site. So, if  
 23 there's any concerns or anything that goes  
 24 wrong, he will be hands-on and he'll be right  
 25 there.

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1 He is my neighbor now. He lives  
 2 two doors away from me.  
 3 I saw the investment that he made.  
 4 I thought he was crazy at the time, but it turns  
 5 out he's actually very intelligent because the  
 6 house is worth much more than what he paid for  
 7 it, now.  
 8 And I saw the improvements that he  
 9 did.  
 10 How many times have I called the  
 11 city of Atlantic City for the, quote, unquote,  
 12 temporary parking lot at the Flagship or how  
 13 many times have I called the city of Atlantic  
 14 City to have Bart Blatstein cut his lawn on his  
 15 property behind my home? And it falls on deaf  
 16 ears.  
 17 To the mayor's credit, he -- he has  
 18 had it done for me a few times.  
 19 I could assure you, based on what  
 20 I've seen Mike do to his property at his home,  
 21 that that phone call is not gonna have to be  
 22 made about his property, because it will be kept  
 23 impeccable, he'll be hands-on, and it will be a  
 24 welcome member of the community.  
 25 And one last thing I want to

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1 address.  
 2 I agree wholeheartedly with  
 3 Ms. Murray in the fact that she expressed her  
 4 concerns about the park that is literally a half  
 5 a block from where the proposed location is.  
 6 All the more reason why we should have this  
 7 miniature golf. Because, with more eyes on that  
 8 park, with more lighting on that park, with more  
 9 police presence in the neighborhood, maybe those  
 10 problems that she's experiencing and I am  
 11 experiencing, as well, will go away.  
 12 I thank you all for your time. And  
 13 I enthusiastically support this application, and  
 14 I would hope that you consider it greatly and --  
 15 and approve the application.  
 16 Thank you very much.  
 17 **LANCE LANDGRAF:** Thank you, Mark.  
 18 Okay. One last call. Anyone else  
 19 that wishes to speak?  
 20 Okay. Seeing none, I will close  
 21 the public portion.  
 22 Mr. Baylinson, do you have anything  
 23 to -- to close out your -- your application?  
 24 [Indiscernible - overtalking]  
 25 **CHRISTOPHER BAYLINSON:** Absolutely

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1 not.  
 2 **LANCE LANDGRAF:** Okay. Scott, do  
 3 we have anything from our end?  
 4 Christine?  
 5 **SCOTT COLLINS:** Nothing here.  
 6 **LANCE LANDGRAF:** Kathryn?  
 7 Rob?  
 8 **CHRISTINE COFONE:** Nothing here.  
 9 Nope.  
 10 **LANCE LANDGRAF:** I have one  
 11 question -- two questions.  
 12 Hours of operation. Do we have a  
 13 -- a timeline what -- what that might be, either  
 14 Mike or -- or Nick?  
 15 Bless you. I don't know who  
 16 sneezed, but --  
 17 [Indiscernible - overtalking]  
 18 **MICHAEL INTRIERI:** I believe, in  
 19 the application, Nick or Chris, I believe we had  
 20 9 a.m. to 10 p.m.  
 21 In -- in all fairness, it's gonna  
 22 fluctuate a little bit on the season. It might  
 23 be open a little bit later and close down a  
 24 little bit earlier. It's, you know --  
 25 **CHRISTOPHER BAYLINSON:** With --

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1 with --  
 2 So, within the -- within the hours  
 3 of 9 a.m. to 10 p.m. from March through November  
 4 -- late March through November.  
 5 **LANCE LANDGRAF:** Okay. And,  
 6 roughly, the number of employees you think on a  
 7 daily basis there.  
 8 **CHRISTOPHER BAYLINSON:** Nick or  
 9 Mike?  
 10 **MICHAEL INTRIERI:** After -- after  
 11 -- after doing a lot of analysis, you know, on  
 12 -- on slower hours -- hours, it will be one, but  
 13 it will probably, you know -- it -- it will be  
 14 probably two, you know, during the summer,  
 15 especially weekends.  
 16 **LANCE LANDGRAF:** All right. Okay.  
 17 That's all I have.  
 18 So, with that --  
 19 And -- and we are a little  
 20 different. There was a lot of people on here  
 21 today. We're a little different than a -- a  
 22 local planning board. We do not vote today.  
 23 What -- what will happen is, I will  
 24 prepare, with Scott's assistance, a -- a hearing  
 25 officer report that will make a recommendation

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1 to our -- our full board. That will also be a  
 2 public hearing. And the date for that will be  
 3 June 15th.  
 4 [Indiscernible - low speaking  
 5 background voices]  
 6 On that date, the -- the full board  
 7 will vote on this application.  
 8 So, with that, I will close the  
 9 testimony and the -- the testimony on this  
 10 application. And we will reconvene on June 3rd,  
 11 2021 at our next meeting.  
 12 Rob, we do have items on that  
 13 agenda, I assume?  
 14 **ROBERT REID:** Yes. The --  
 15 Yes.  
 16 **LANCE LANDGRAF:** Okay. So, with  
 17 that and no other public comment, we will close  
 18 this meeting.  
 19 And we are adjourned.  
 20 Thank you, everybody.  
 21 **CHRISTOPHER BAYLINSON:** Thank you,  
 22 everybody. Thank you.  
 23 **LANCE LANDGRAF:** I think we did  
 24 really well with -- with this number of people.  
 25 Dan, thank you again.

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1 **DANIEL DONOHOE:** Of course.  
 2 **LANCE LANDGRAF:** Everybody. Scott  
 3 and everybody. Thank you.  
 4 **CHRISTOPHER BAYLINSON:** Thanks.  
 5 And thank you, everybody, from the applicant,  
 6 very much.  
 7  
 8 (This public hearing concluded at  
 9 12:27 p.m.)  
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