

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION  
PUBLIC HEARING

RE: DGMB CASINO, INC.  
(RESORTS CASINO LANDSHARK BAR AND GRILL)  
2018-11-2547

Thursday - December 6, 2018  
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CASINO REINVESTMENT DEVELOPMENT  
AUTHORITY PUBLIC HEARING, taken in ATLANTIC CITY



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1 CITY HALL, Council Chambers, Room 206, Atlantic  
2 City, New Jersey, before Karen Winkler, a New  
3 Jersey Certified Court Reporter (CCR) and Notary  
4 Public of the State of New Jersey, on the above  
5 date, commencing at 10:03 A.M., there being  
6 present:

7  
8  
9

10 APPEARANCES:

11 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

12

13 LANCE B. LANDGRAF, JR.

Chairman

14 Director, Planning Department

15

16

17 ROBERT L. REID

Land Use Enforcement Officer

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1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2

3 SCOTT G. COLLINS, ESQUIRE

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

4

5

6 COFONE CONSULTING GROUP

BY: JUSTIN E. AUCIELLO, PP, AICP

7

8

9 ADAMS, REHMAN & HEGGAN ASSOCIATES

BY: WILLIAM ENGLAND

10 Senior Project Manager

11

12

13

14

15

16 COUNSEL FOR THE APPLICANT:

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18 COOPER LEVENSON, ESQUIRES

BY: NICHOLAS TALVACCHIA, ESQUIRE

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I N D E X

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WITNESS(ES)	PAGE NO.
MARK PETRELLA	
By Nicholas Talvacchia	14
ARTHUR PONZIO	
By Nicholas Talvacchia	22

EXHIBITS MARKED AND/OR REFERRED TO:

- A-1
- A-2
- A-3
- A-4
- A-6
- B-1

1 (Time noted: 10:03 A.M.)

2

3 LANCE LANDGRAF: The second item on  
4 the agenda is application 2018-11-2547, DGMB  
5 Casino, LLC, Resorts Casino Landshark Bar and  
6 Grill.

7 Mr. Talvacchia, you're here for  
8 that application. Why don't you introduce --

9 First let me do this.

10 Rob, can you confirm that we have  
11 jurisdiction to hear this application?

12 ROBERT REID: Yes. I've reviewed  
13 the proof of service provided by the applicant,  
14 and we have jurisdiction to hear this  
15 application.

16 LANCE LANDGRAF: Thank you.

17 Mr. Talvacchia.

18 NICHOLAS TALVACCHIA: Good morning,  
19 Mr. Landgraf, members of the authority. On  
20 behalf of the applicant, DGMB Casino, LLC, we're  
21 pleased to be here today for a site plan  
22 application amendment to the 2012 Landshark  
23 approval.

24 The authority approved the original  
25 project by resolution dated 12-130. The rules

1 were Atlantic City's land use ordinance at that  
2 point in time. Now they're governed by the  
3 authority's regulations that became effective  
4 January of this year.

5 We think it's an exciting project.  
6 It's more commitment by this applicant, this  
7 owner, to Atlantic City. It's an increase in  
8 seating by about 142 seats to Landshark, which  
9 is in addition to the 376 originally approved in  
10 2012. I'll go over that in some detail.

11 I want to handle one bit of  
12 housekeeping. We did submit for the  
13 certification unpaid taxes for November 1.  
14 Landshark and Resorts are part of the casino  
15 PILOT. Under their regulations, the casino  
16 PILOT payment is due the earlier of November 1  
17 or when the State of New Jersey signs the  
18 interim agreement with a licensee. Resorts has  
19 signed that agreement. It's done every quarter  
20 for payment of that amount. We're waiting for  
21 the state to sign it. So, technically, under  
22 current law, the November 1 payment's not yet  
23 due. So, I just wanted to bring that to your  
24 attention.

25 LANCE LANDGRAF: Okay. Thank you

1 for that explanation.

2 NICHOLAS TALVACCHIA: So, having  
3 said that --

4 So, this application, we'll go  
5 through it.

6 We have Mr. Petrella, Mr. Ponzio,  
7 Mr. Barnhart here.

8 The idea, essentially, is to liven  
9 up the boardwalk side of the project.

10 So, if you recall, all the seating  
11 is really oriented toward the ocean on the  
12 current project. And it's good. It's worked  
13 well. I think most of you have been there. The  
14 idea now is to take that dead space between the  
15 boardwalk and the buildings, just, basically,  
16 beach and some landscaping, and add a 2,300  
17 square foot deck, which will add 94 outdoor  
18 seats.

19 In addition to that, the original  
20 project included about 3,600 square feet of  
21 retail near the front. Again, we'll go through  
22 this. It's just an overview. 2,600 square  
23 feet, plus or minus, will be removed. There  
24 will be remaining 1,000 square feet of retail.  
25 That 2,600 square feet will be converted to a

1 32-seat bar, plus 18 dining seats, which will be  
2 enclosed. It's within the current footprint.

3 So, the new part, in terms of going  
4 beyond the exterior of the building, is just the  
5 outdoor deck. Again, 94 seats there. And that  
6 deck does not connect to the boardwalk. I know  
7 that was an issue. And it's approximately 16  
8 inches above boardwalk grade. But, it's  
9 independent of the boardwalk.

10 Here's Mr. Moles, who is general  
11 counsel for Resorts DGMB.

12 NICHOLAS MOLES: Good morning. My  
13 apologies for arriving late. I drove about an  
14 hour to get here.

15 LANCE LANDGRAF: No problem. Glad  
16 you made it safe.

17 NICHOLAS TALVACCHIA: Nick, we're  
18 just starting.

19 So, that, essentially, is the  
20 project. But, we think it does exactly what the  
21 Tourism District legislation intended and, by  
22 your own policies of the CRDA, in promoting the  
23 boardwalk, the beach outdoor activity.

24 The project does require three  
25 variances. One is under a new regulation CRDA



1 adopted that prohibits more outdoor seats than  
2 indoor seats. This needs a variance from that.

3 LANCE LANDGRAF: Okay.

4 NICHOLAS TALVACCHIA: 94 outdoor  
5 seats versus 50 indoor. However, I know the  
6 original project had more outdoor than indoor.

7 LANCE LANDGRAF: Right. Okay.

8 NICHOLAS TALVACCHIA: So, whether  
9 you look at it's just the new project as being  
10 noncompliant or overall, either way, so the old  
11 one didn't require that variance because that  
12 rule was not in effect then. So, we're asking  
13 for that. We think we can justify that. We  
14 think we understand the rationale for that rule.

15 Two, we need a minor parking  
16 variance for seven spaces.

17 Now, Mr. England pointed out that  
18 we appear to be using a casino parking  
19 calculation, which we are, which we discussed  
20 with the authority. If this were a stand-alone  
21 restaurant, it would be parking for 30 percent  
22 of the seats. How we looked at it, it's more of  
23 an extension of Resorts, and, therefore, when  
24 you go into the casino-hotel parking regs,  
25 there's X amount of cars. Like the first 500

1 rooms require 500 spaces. And there's a  
2 calculation for nonhotel space, you know, based  
3 on square footage. So, using that calculation,  
4 this, on an incremental basis, adds a need for  
5 seven spaces.

6 The interior we ignored because  
7 we're just swapping out retail for dining and  
8 it's exactly the same calculation. So, only the  
9 deck is triggering an incremental increase in  
10 parking. And, based upon the rule, 2,700 square  
11 feet requirement, which Mr. Barnhart will go  
12 over, it's seven spaces. We're asking for a  
13 variance for that, because Landshark originally  
14 did not have any parking because Atlantic City  
15 did not require parking for piers. They had no  
16 parking requirement. We think it's rather  
17 de minimis in the scheme of things. There are  
18 other Resorts projects coming down the line,  
19 parking and other things, and we just said we  
20 want to kind of keep this clean. So, we're  
21 going to ask for the variance so this can kind  
22 of stand on its own.

23 When we did the parking analysis of  
24 Resorts, we're actually one space to the good,  
25 overall. If you look at the -- believe it or

1 not. Based upon the 2002 calculation, when the  
2 new tower was built, the facility needed -- let  
3 me just see here -- 1,871 spaces. This was done  
4 by Schoor Depalma back in 2002.

5 And I had Rocky Merrill, from  
6 Resorts, give me the current inventory. It's  
7 1,872. And I did not give him that 1,871  
8 number. He had no idea. I was surprised it was  
9 one over. So, I don't even want to use that one  
10 up. We may need it for something else. I'd  
11 rather just ask for the variance. I think we  
12 can justify it.

13 LANCE LANDGRAF: One space.

14 NICHOLAS TALVACCHIA: We're coming  
15 in with a parking lot soon anyway, so we're  
16 going to be adding some new spaces. We think we  
17 can justify this.

18 One: The tram's there. The  
19 jitney's down the street, and we think this is  
20 the kind of use that draws many people already  
21 in town, whether they're staying at Resorts,  
22 Hard Rock, Ocean Resort, Bally's, Caesars,  
23 whatever. And then, of course, this area has  
24 plenty of commercial parking. The streets are  
25 all metered now and, because they're metered

1 really makes more spaces available to the  
2 public, because that forces turnover. We think  
3 there's more than enough parking. We actually  
4 think Resorts, itself, has enough parking, maybe  
5 not from a calculation standpoint, but from a  
6 practical standpoint. So, we're going to ask  
7 for that variance.

8           The third variance we think is very  
9 minor, is we have a -- technically, a  
10 roof-mounted sign that fronts toward the  
11 boardwalk. The authority approved similar signs  
12 on the side facades of the roof, but we never  
13 had one on the side of the roof that faces the  
14 boardwalk. Again, roof signs are prohibited,  
15 but we think the aesthetics of this sign warrant  
16 a variance. We think the prohibition against  
17 roof signs really relates to the old style flat  
18 roofs, where you had a lot of metal and just  
19 kind of an ugly billboard-type sign. This is  
20 integrated. It's stylish. It fits in. So, we  
21 think we can justify that on a C(2) basis.

22           So, that's the three variances.  
23 More than 50 percent -- more outdoor seating  
24 than for indoor. Seven spaces for parking and a  
25 roof sign. That's it from a variance

1       standpoint.

2                       So, with that, I'd like to have Art  
3       Ponzio.

4                       Are you going to be providing  
5       planning testimony, Art?

6                       ARTHUR PONZIO:    Sure.

7                       NICHOLAS TALVACCHIA:  Why don't we  
8       have Mark Petrella go through the project?  And  
9       then we'll go into the variances.

10                      LANCE LANDGRAF:  So, you got him up  
11       and now you're going to tell him to sit back  
12       down.

13                      NICHOLAS TALVACCHIA:  Yeah.  I was  
14       just thinking about it.  It makes more sense for  
15       Mark to talk about the actual project.

16                      Mr. Petrella, can you be sworn,  
17       please?

18

19                      MARK PETRELLA,  
20       having been duly sworn in by the court  
21       reporter, was examined and testified as  
22       follows:

23

24                      SCOTT COLLINS:  Would you spell  
25       your last name?

1 MARK PETRELLA: P-E-T-R-E-L-L-A.

2

3 DIRECT EXAMINATION

4 BY NICHOLAS TALVACCHIA:

5 Q. For the record, you're a licensed  
6 architect in the State of New Jersey?

7 A. That's correct.

8 Q. And you work for?

9 A. SOSH Architects. For about 24  
10 years.

11 Q. And under your direction, your firm  
12 prepared these architectural plans?

13 A. That's correct.

14 Q. And you're familiar with the  
15 project?

16 A. Yes.

17 Q. Okay. So --

18 LANCE LANDGRAF: Mark that whole  
19 set?

20 SCOTT COLLINS: Is this anything  
21 different than was submitted with the  
22 application?

23 MARK PETRELLA: No.

24 The first board is A-1 drawing that  
25 was submitted with the application. The only

1 difference is that this is rendered out.

2 NICHOLAS TALVACCHIA: With color.

3 SCOTT COLLINS: Okay. Let's mark  
4 the application, itself, A-1. And if there's  
5 anything other than what was previously  
6 submitted, we can go from there.

7 NICHOLAS TALVACCHIA: Okay.

8 BY NICHOLAS TALVACCHIA:

9 Q. Mr. Petrella, if you could point to  
10 that plan view and identify the existing  
11 facility and then where the changes are.

12 A. Yes. So, the existing facility is  
13 light gray. So, that incorporates the interior  
14 restaurant space as well as the back of house  
15 area of the restaurant.

16 In the light tan, towards the  
17 beach, is the exterior deck seating.

18 Our work area is in the darker  
19 tones. The darker brown is the actual part of  
20 the existing retail space that is converted to a  
21 new bar area. And the darker brown outside of  
22 that is a new deck expansion towards the  
23 boardwalk that accommodates the additional  
24 outdoor seating for the bar.

25 I just wanted to clarify on some of

1 the numbers that Mr. Talvacchia mentioned  
2 earlier. The 2,600 square feet is actually the  
3 area of our scope of work. So, it includes the  
4 area within the existing retail and the existing  
5 deck area that is going to be altered in this  
6 line of work. Then, as far as the interior bar  
7 area, there's about 1,000 square feet of  
8 interior retail space that is converted to a  
9 bar. There is a portion of the existing retail  
10 space that will remain, which is indicated in  
11 this area of the plan.

12 LANCE LANDGRAF: Mark, if I could,  
13 one thing that our solicitor indicated to me is  
14 we need to recognize you as an expert in the  
15 field of architecture. And having known Mark  
16 for quite some time, we'll make that statement;  
17 that the authority will recognize his expertise  
18 in architecture, and planning, as well.

19 MARK PETRELLA: Right. Thank you.

20 LANCE LANDGRAF: Thanks, Scott.

21 MARK PETRELLA: So, the deck  
22 expansion towards the boardwalk, as Mr.  
23 Talvacchia mentioned, will not be connected to  
24 the boardwalk. As far as accessing it, access  
25 will be from the existing entrance from the



1 boardwalk to this hexagonal area that is a flat  
2 area of the ramp that leads up to the main floor  
3 of the restaurant. That will be the entry point  
4 to the lower deck. So, we're providing  
5 handicapped accessibility to that deck. From  
6 that deck, there are two stairs that lead up to  
7 the upper deck, which is the main floor of the  
8 restaurant. But, if you were to continue up the  
9 main existing entrance ramp to the main entrance  
10 of the restaurant, there is a second entrance to  
11 the new expansion area of the bar at that level  
12 to also provide handicap accessibility.

13 I'd like to reference drawing A-6.  
14 Again, this was submitted in the original  
15 packet. As you see here, these are rendered  
16 perspective views that show the overall design  
17 theme and character of the expansion. As you  
18 can see, it's really just kind of extending what  
19 is currently themed for this facility.

20 As Mr. Talvacchia mentioned, the  
21 main goal is to kind of enliven this side of the  
22 building on the boardwalk side. So, the  
23 proposal is to open up the existing wall,  
24 exterior wall, of the retail space. There are  
25 currently large windows. The intent is to open

1 that up. The new bar will be built to that  
2 exterior wall line and on top of the bar will  
3 be, we are proposing, overhead glass doors so  
4 that they can be opened during the summer. So,  
5 it's really going to activate that facade. And  
6 you can see how that expanded area towards the  
7 boardwalk will certainly enliven that side.

8 Some other features that go along  
9 with the theming of the facility. You can see,  
10 in this view, we've got festoon lighting that  
11 are mounted to poles that are actually on the  
12 new deck. They're not connected to the  
13 boardwalk. And those festoon lights actually  
14 drape back to the existing roofline of the  
15 building.

16 There's the roof-mounted sign  
17 that's being proposed.

18 Then, also along the boardwalk, the  
19 intent is to provide planter boxes so it  
20 provides some level of screening along that  
21 side, but also leaving the view open for  
22 passersby.

23 LANCE LANDGRAF: Mark, the  
24 plantings that will be in those planter boxes  
25 will be kind of low grass-type things?

1 MARK PETRELLA: That's right.

2 LANCE LANDGRAF: Buffer.

3 I think more the intent of the  
4 project, it seems to me, is to open up to the  
5 boardwalk. I guess there's a reason why it's  
6 not being connected to the boardwalk; because  
7 it's not a pier. Is that why it can't connect?

8 NICHOLAS TALVACCHIA: Well, the  
9 elevation --

10 LANCE LANDGRAF: There's elevation  
11 change, too.

12 NICHOLAS TALVACCHIA: But, also,  
13 there's a concern with the ABC. They don't have  
14 ABC, but alcohol. I know, at the ABC level and,  
15 I presume, at the commission level, in terms of  
16 the alcohol license, they like to have a  
17 separation from alcohol service to a public  
18 area.

19 LANCE LANDGRAF: Okay. Makes  
20 sense. Thank you.

21 MARK PETRELLA: There is one other  
22 drawing I want to reference, and that is one of  
23 the elevation sheets that were included in the  
24 submission package.

25 So, this is drawing A-3. I just

1 wanted to point out, in reference to the new  
2 roof-mounted sign, this boardwalk elevation, you  
3 can see the profile of the new sign. The very  
4 peak of that new sign is slightly higher than  
5 the peak of the existing roof of the retail.  
6 But, I also wanted to point out that if you look  
7 at -- sorry. Now I'm referencing drawing A-4,  
8 another elevation drawing that was submitted in  
9 the packet. You can see that this is the height  
10 of the new sign facing the boardwalk. It is  
11 actually slightly lower than the existing sign  
12 that was approved when this facility was  
13 originally built, referring to the roof-mounted  
14 sign that sits on top of the main bar towards  
15 the ocean. So, even though it does project  
16 slightly above the peak of the retail space, it  
17 is not any higher than what was originally  
18 approved.

19 LANCE LANDGRAF: Can you tell me  
20 the height from the boardwalk level to the top  
21 of both those signs, the existing and the  
22 proposed?

23 MARK PETRELLA: The existing  
24 approved sign is slightly higher elevation than  
25 the proposed.

1                   LANCE LANDGRAF: Right. I got  
2 that. But, do you know how high it is off the  
3 boardwalk?

4                   MARK PETRELLA: An actual  
5 dimension?

6                   LANCE LANDGRAF: Yes.

7                   MARK PETRELLA: I don't have that  
8 dimension.

9                   LANCE LANDGRAF: Okay.

10                  MARK PETRELLA: I might be able to  
11 get it.

12                  LANCE LANDGRAF: Right. Not right  
13 now. Just by the end of the hearing, if you can  
14 get that, that would be good. If not, we ask,  
15 as a commission, just add that to the plan.

16                  NICHOLAS TALVACCHIA: Sure.

17 BY NICHOLAS TALVACCHIA:

18                  Q. Anything else, Mark?

19                  A. No.

20                  NICHOLAS TALVACCHIA: All right.  
21 I'm going to bring Mr. Ponzio up and ask him to  
22 be sworn.

23                  LANCE LANDGRAF: While they're  
24 chatting, why don't you swear Mr. Ponzio?

25                  NICHOLAS TALVACCHIA: Mr. Ponzio,

1 if you could be sworn, please.

2

3 ARTHUR PONZIO,

4 having been duly sworn in by the court  
5 reporter, was examined and testified as  
6 follows:

7

8 DIRECT EXAMINATION

9 BY NICHOLAS TALVACCHIA:

10 Q. Mr. Ponzio, you're a New Jersey  
11 licensed planner for many years?

12 A. Yes.

13 Q. And you are the president of Arthur  
14 W. Ponzio Company & Associates?

15 A. Yes.

16 Q. You've been qualified by the CRDA  
17 and land use board before as a planning expert?

18 A. I have.

19 NICHOLAS TALVACCHIA: I offer Mr.  
20 Ponzio as a planning expert.

21 LANCE LANDGRAF: We certainly  
22 accept those credentials.

23 BY NICHOLAS TALVACCHIA:

24 Q. Mr. Ponzio, so you're familiar with  
25 the project, of course, and you were familiar

1 with the original project back in 2012?

2 A. Yes.

3 Q. And this project requires three  
4 variances. We talked about them. Parking, the  
5 sign. And the new issue that was under the  
6 current rules is there's more outdoor seating  
7 than indoor seating.

8 A. Correct.

9 Q. Okay. What order -- so, I'll let  
10 you pick. What order do you want to talk about  
11 them in?

12 A. Okay. See how it goes.

13 Q. See how it goes.

14 A. All kind of related.

15 Good morning, everyone.

16 LANCE LANDGRAF: Good morning, Art.

17 ARTHUR PONZIO: Thank you.

18 I don't want to be repetitive, what  
19 Mark and Nick said. They both did -- put some  
20 nice testimony on today. Very informative.

21 Here's a picture, an aerial  
22 photograph.

23 BY NICHOLAS TALVACCHIA:

24 Q. Is this part of our package, Art?

25 A. No. This is a drone shot that we

1 took very recently.

2 NICHOLAS TALVACCHIA: Let's mark  
3 that into the record.

4 SCOTT COLLINS: We're on A-2.

5 NICHOLAS TALVACCHIA: A-2.

6 BY NICHOLAS TALVACCHIA:

7 Q. Art, is that an accurate  
8 representation, aerial representation, of the  
9 project that exists today?

10 A. Yes, it is. Very current, yes.  
11 You can see the orientation with Resorts across  
12 the boardwalk. Boardwalk's in that location.  
13 Right down lower right there, you see the tip of  
14 the ocean coming in. North Carolina Avenue in  
15 this location. The new dune field out there you  
16 see. And the facility, the beach bar component.  
17 There's the Hard Rock Beach Bar right next to  
18 it, to the easterly side. Just for orientation.

19 Very interesting-looking building.  
20 Thought I should --

21 Mark did a fantastic job on the  
22 original design. And I'm sure this is going to  
23 follow suit with this addition we're talking  
24 about here today.

25 2 or 3. This would be 3? Is that



1 the numbering?

2 SCOTT COLLINS: A-3. You actually  
3 say what this is.

4 ARTHUR PONZIO: A-3. It's the site  
5 plan, variance plan, if you will, of the  
6 property.

7 See how it's oriented with the  
8 ocean to the right side, the boardwalk and  
9 Resorts to the left? And adjacent to the  
10 boardwalk, in front of the existing building,  
11 you can see the shaded area, which is the  
12 proposed deck expansion that Mark and Nick both  
13 mentioned a few moments ago.

14 The -- there is the sign that we  
15 spoke about right up in that location. I'll go  
16 through that in a moment. But, as you can see,  
17 it's one proposed sign. I don't think it was on  
18 the record. 176 total square feet is the size  
19 of that sign.

20 BY NICHOLAS TALVACCHIA:

21 Q. And, Art, is that below what's  
22 permitted in terms of the 25 percent?

23 A. Significantly below that. Well  
24 within that. Very modest size for this  
25 particular building and property.

1                   We'll talk about the sign now, if  
2    you want me to go through that.  Nick?

3           Q.        Sure.

4           A.        It's positioned on the edge of that  
5    sloping roof, if you will.  It's a hip roof, an  
6    octagonal design of that building, which has got  
7    eight hips, all coming to a point in the center.  
8    It's a relatively low-slung building.  If we  
9    stand back and look at it, it appears to be  
10   almost all roof.  Very little wall space on the  
11   building.  If there was any opportunity at all  
12   to put the sign on the facade, certainly we  
13   would do that, but given the design of the  
14   building --

15                   I'm looking at Mark's picture here.  
16   Go back to his --

17          Q.        Lower right, Art.

18          A.        Yeah.  Architectural page six.  In  
19   that respective view, bird's eye view, there is  
20   the proposed sign.

21                   Here's the boardwalk in the  
22   foreground.  The proposed deck.  There's no wall  
23   space at all.  So, we, obviously --

24          Q.        You can see that on the lower  
25   right.  Is that the right --

1           A.       Yeah.   Down from boardwalk level.

2   Yeah.   That's correct.   That's a good shot.

3   It's all window space, with roll-up doors, if  
4   you will.   There's really no other opportunity  
5   to place the sign and face the boardwalk.

6           The idea here is to --

7           The building's a bit disjointed  
8   from the boardwalk, a bit disconnected.

9           It's been wonderful, it's been very  
10   successful, but the operators believe if they  
11   bring the building out closer to the activity,  
12   closer to the boardwalk, it's going to take  
13   advantage of all the action that goes on on the  
14   boardwalk, in both ways.   The people on the  
15   boardwalk are going to see that activity on the  
16   building proximate, right next to the boardwalk,  
17   which I think is -- that's kind of where we want  
18   to head in the city; all along the boardwalk.  
19   Bring more opportunities for enjoyment and  
20   entertainment and dining, whatnot, right  
21   adjacent to the boardwalk.   Let's just continue  
22   to do that.

23           This summer was an interesting  
24   transformation of this section of the boardwalk.  
25   All of us on the boardwalk, in the summertime,

1     come down to this location the last three, four,  
2     five years -- I don't like to use the word dead.  
3     I should use the word pretty quiet. But, this  
4     summer, it was interesting. It became the hub  
5     of the boardwalk. I mean, from Resorts down  
6     just to where Revel is. That, all of a sudden,  
7     became an animated part of our city. And  
8     walking the length of the boardwalk, it's  
9     actually more busy in that location this summer.  
10    It was more busy than the remainder of the  
11    boardwalk. Almost like a switch of our business  
12    activity.

13                    So, I'm up there so much. In the  
14    mornings, early, on a bicycle, and in the  
15    evenings and going out at night. And you could  
16    just see that activity just growing. Obviously,  
17    attributed to what went on with Hard Rock,  
18    what's going on with Resorts and this particular  
19    property, as well as the opening of Revel and  
20    the Steel Pier. It all just seems to be coming  
21    together, that synergy. And I know the CRDA's  
22    been involved in much of that, and it definitely  
23    is working in this part of our city.

24                    But, anyway, back on the sign, if  
25    you will. So, there's not really much

1 opportunity, if any, to put a sign and face the  
2 front of the boardwalk and have that logo sign  
3 right there, proximate, so that people can see  
4 it walking down the boardwalk.

5           So, looking, again, at the sloping  
6 roof nature and the way the sign is tucked into  
7 the roof, by definition, it's above the eave  
8 line, so it's a roof sign, but, in reality, when  
9 you have a sloping roof and the peak of the sign  
10 coming just about to the top of the roof, when  
11 you really think about it, is it really a  
12 rooftop sign? It doesn't appear to be one.  
13 It's tucked into the roof, if you will. It's  
14 like a home that is built with a dormer out the  
15 side of the roof. It doesn't add to the roof.  
16 It's part of the structure itself. It's similar  
17 to that because of the location; that it's built  
18 on the sloping roof.

19           The sign is modest in size. As it  
20 is, it matches the architecture of the entire  
21 building. It brings out the logo of the  
22 operator, the Landshark logo. It's a very  
23 attractive-looking sign. I think, for all those  
24 reasons, I think it's in an appropriate  
25 location. It's appropriately sized. It's

1 architecturally and aesthetically pleasing, and  
2 it is not objectionable in any way, in that it  
3 doesn't protrude well beyond the roof. It's to  
4 be seen strictly from the boardwalk, which is  
5 the obvious intent; to have the deck here with  
6 the sign directly behind it. That's the vision  
7 you're going to see standing on the boardwalk,  
8 looking at that. So, I think, given those  
9 conditions, in my opinion, it's a very prudent  
10 location and, I believe, one that should receive  
11 favor from the board.

12 Q. So, Art, in your opinion, as a  
13 planner, does this meet the criteria for C(2)  
14 variance, which is this represents a better  
15 planning alternative than what's permitted?  
16 What's permitted would be a sign, really, on a  
17 wall that almost doesn't exist because of the  
18 glass.

19 Then you also mentioned the  
20 architectural compatibility of the sign with the  
21 design of the building. So, you think this is a  
22 better planning alternative?

23 A. I certainly do, Nick. And I think,  
24 in all cases, it does meet the requirements of a  
25 C(2) variance.

1 Q. And then the other part is negative  
2 criteria. Any substantial detriment to the  
3 zoning plan or the public good if the authority  
4 were to grant this --

5 A. Sometimes, signs can be  
6 objectionable, depending upon orientation, size,  
7 location and everything. I think, because of  
8 the way the sign is designed, as I've described,  
9 and its location and orientation, facing the  
10 boardwalk only, I don't see that there's any  
11 negative whatsoever associated with that.

12 Q. And you pointed out that it's  
13 substantially less than what's permitted in  
14 terms of the size?

15 A. Yes. Very modest in size.

16 Q. And the height of this location,  
17 for a structure, would be 80 feet next to the  
18 boardwalk?

19 A. Permitted.

20 Q. Permitted.

21 So, this is well, well, well below  
22 that.

23 A. I'm going to -- I'm going to guess  
24 the peak of that --

25 There was a question asked by

1 Mr. Landgraf a moment ago. I'm guessing the  
2 peak of that roof is 25 to 30 feet, the actual  
3 roof, thereabouts, give or take a foot or two,  
4 it looks like by the illustrations.

5 LANCE LANDGRAF: So, it's in scale  
6 with surrounding buildings, the building itself  
7 and other structures on other piers?

8 ARTHUR PONZIO: Yeah.

9 BY NICHOLAS TALVACCHIA:

10 Q. Right. So, do you see any  
11 substantial detriment to the zone plan, in terms  
12 of what's permitted and the relief?

13 A. Absolutely not.

14 Q. And in terms of impact to the  
15 public?

16 A. I think it's a benefit. It's a  
17 positive impact.

18 Q. Because it provides some sort of  
19 identification.

20 A. Because you have identification,  
21 and it adds to the aesthetics of the overall  
22 building. I think, without the sign, the roof  
23 is just a plain roof.

24 Q. So, it actually enhances the  
25 aesthetics?



1           A.       No doubt.

2           Q.       Okay. All right. That's the  
3 variance for the sign.

4           A.       Yes.

5           Q.       Okay. Next.

6           A.       So, we talked about, briefly, the  
7 seating. It's an interesting and somewhat  
8 unusual requirement that, in all the years of  
9 doing this, I've never had to deal with that  
10 before. That is, a restaurant facility with  
11 more seats outside than inside. The more I  
12 thought about it, it kind of makes sense, in  
13 locations. And in others, perhaps it doesn't  
14 make so much sense. And we're going to talk  
15 about that a little bit.

16                   The very nature of this location  
17 and this building is pretty obvious. It's to  
18 orient us to the outside, to attract, if you  
19 will, the benefit of the view all around the  
20 property and the activity that goes on on the  
21 boardwalk.

22                   This building is really, if you  
23 think of it in that nature, it's from the inside  
24 out, meaning everyone is coming to the building,  
25 for the most part, to enjoy the vista over the

1 ocean and the beach on three sides, as well as,  
2 hopefully, with this new addition, the  
3 attraction of the boardwalk.

4 So, let's think of this building  
5 on -- take that building and put it on Atlantic  
6 Avenue. I don't believe I would be here, asking  
7 for more seats outside than in. Pretty obvious.

8 But, in this location, there's a  
9 major difference. The entire reason, in my  
10 mind, my opinion, why this has been such a  
11 beautiful success for the city and for the  
12 operator is the location of the facility. That  
13 is, tucked out beyond the boardwalk, over that  
14 dune, elevated properly with FEMA and all that  
15 business with the elevations, and having that  
16 panoramic vista.

17 We've all been there, I'm sure.  
18 And you sit out on that deck, and whatever you  
19 happen to be doing, enjoying some food or drink  
20 or whatever, you kind of can just stand there  
21 all day and you get lost in it. It's just  
22 absolutely wonderful. And that is what this  
23 building and what this Landshark operator is all  
24 about. Let's embrace the outdoors. Let's take  
25 advantage of what we have surrounding this

1 property and let's face the people and, if you  
2 will, the seating outward.

3 So, in the years they've  
4 operated --

5 What's it been? Five or six years?

6 Q. 2012, '13.

7 A. Okay. Oh. That's right. It was  
8 built right when Sandy was hitting. That's  
9 right.

10 Q. It actually opened May of '13, I  
11 believe.

12 A. Yeah. It just started construction  
13 when Sandy was coming. That was interesting.

14 Okay. So, back on this. The deck  
15 that's being added in the front of the building,  
16 they have this experience of this five or six  
17 years of operating this building and the  
18 customers that inhabit the facility enjoying  
19 that outside ambience, as I mentioned. So,  
20 here's a perfect opportunity to expand that  
21 ambience and to have the outdoor seating adjunct  
22 to the boardwalk, directly across the street  
23 from the main casino facility. So, it's a  
24 perfect fit, if you will. And it's going to  
25 bring that building and the use up tight to that

1 boardwalk to enjoy all that activity and the  
2 things that I've been saying all along.

3 So, in this particular case, I  
4 think the request for the variance to have more  
5 outside seating than in, certainly, we're not  
6 abandoning in any way, shape or form the fact  
7 that this is a fully serviced indoor restaurant  
8 facility, but we need to expand. We want to  
9 expand outward to enjoy the different things  
10 that I've been saying in the last few moments.

11 I think, in this particular case,  
12 because of all of that, this is a variance  
13 that's well justified, this request.

14 Situations like this may exist in  
15 other positions throughout the city, but they're  
16 very limited, those opportunities, very limited.

17 Q. Art, you had mentioned, before the  
18 hearing, to me, that you were trying to think  
19 about why there's a prohibition against more  
20 outdoor seating than indoor, and you mentioned,  
21 well, maybe the CRDA's concerned that we just  
22 not have these outdoor areas and some token  
23 indoor space that's not a real restaurant.

24 A. Yeah.

25 Q. In this case, when it's all said

1 and done, there's going to be 230 interior seats  
2 with the expansion and 290 exterior. So, 230,  
3 that's a real restaurant.

4 A. It sure is.

5 Q. So, it's not some attempt to avoid  
6 building a building.

7 A. No.

8 Q. And also, you pointed out, to me,  
9 that the outdoor seating is somewhat limited  
10 because of weather.

11 A. It's seasonal. Yeah.

12 Q. But, the interior's open all year?

13 A. Correct.

14 Q. The exterior is. It's just not  
15 going to be used. Right?

16 So, when you really look at it on a  
17 usage basis, it's probably going to be -- could  
18 be more interior seating overall, if you average  
19 it out throughout the year, but close.

20 A. Yeah. Definitely. I agree with  
21 all that. Definitely.

22 Q. So, does the proposed variance have  
23 outdoor seating in any way, in your opinion,  
24 counter the presumed intent of the ordinance; to  
25 make sure we have a real restaurant with outdoor

1 seating, not just, really, an outdoor seating  
2 area?

3 A. No. No, it does not. I think  
4 that, following what you just said.

5 Obviously, this is a full-service  
6 restaurant. I mean, no question about that.  
7 This is the outdoor part of it, adjunct to it.  
8 It's very important to have it. And, I think,  
9 critical to the successful operation and the  
10 continued expansion of the business, which is  
11 what we all want. We all want our businesses  
12 here in town to be able to expand and grow and  
13 prosper more and more into the future. And this  
14 is an opportunity to do that.

15 NICHOLAS TALVACCHIA: Yeah. I want  
16 to point out that 116 of the outdoor seats are  
17 permanently covered. If you've been there,  
18 they're covered. We threw that into outdoor  
19 seating. It's kind of a hybrid. They're  
20 covered with a roof. They're open on only one  
21 side. It's closed behind it. That's an  
22 important fact. There's an argument that  
23 there's actually more interior seats, but we  
24 threw them in the outdoor to be conservative.

25 BY NICHOLAS TALVACCHIA:

1           Q.       In your opinion, then, does the  
2 benefit of the extra seating outside outweigh  
3 any detriments? Does it advance any purposes of  
4 zoning? That's an important fact. There's an  
5 argument that there's actually more interior  
6 seats, but we threw them in the outdoor to be  
7 conservative.

8                    In your opinion, then, does the  
9 benefit of the extra seating outside outweigh  
10 any detriments? Does it advance any purposes of  
11 zoning?

12           A.       Yeah. In this particular case,  
13 without a doubt. It's much more beneficial.  
14 That is, this property, this project, to have  
15 the seating arrayed as I've mentioned throughout  
16 my testimony; facing the outdoors, embracing the  
17 outdoors.

18                    And I think it advances all the  
19 benefits, all the precepts of tourism that this  
20 board, that the city of Atlantic City --

21           Q.       Because tourists like to sit  
22 outside. Right? People like to sit outside and  
23 dine?

24           A.       Absolutely.

25           Q.       So, from a C(2) perspective, is

1 this a better planning alternative than what the  
2 ordinance would strictly require -- or not the  
3 ordinance, the regulations?

4 A. I'll say it this way: Definitely.  
5 I gave you an example of taking this building  
6 and putting it on Atlantic Avenue.

7 Let's take the building and leave  
8 it here. Let's get rid of the outdoor seating.  
9 Anybody think it would be a very successful  
10 building? Maybe. But, with it, it's just  
11 night-and-day difference. So, yes.

12 Q. In terms of the Tourism District  
13 legislation, which wants to return Atlantic City  
14 to a more traditional beachside resort, --

15 A. Yes.

16 Q. -- does this kind of outdoor  
17 seating promote that legislative --

18 A. No question it does, yes.

19 Q. In terms of the negative criteria,  
20 any detriment to the zone plan or public good?

21 A. I don't see any negative whatsoever  
22 associated with that request.

23 Q. And nothing to the public, either?

24 A. No detriment to the public  
25 whatsoever. It's an enhancement, the public's



1 opportunity to enjoy the out-of-doors and  
2 embrace the beach and ocean and boardwalk.

3 Q. Okay. The final variance is seven  
4 parking spaces.

5 A. Yeah. Another interesting  
6 requirement. I've often said, many times,  
7 that --

8 Some cases are shore towns. Not  
9 all of them.

10 Lance, I've heard you say, many  
11 times, that if we find ourselves needing more  
12 parking, it's a good thing. That means business  
13 is going well, the city is prospering.

14 We deal with it in other cities,  
15 and it becomes -- it's an issue to be dealt with  
16 properly. And I would say, in most cases, the  
17 boards and the governing bodies, they do deal  
18 with it in the right manner.

19 There are many cases going on in  
20 our island communities right now where  
21 ordinances require a certain amount of parking  
22 spaces and applicants just don't have an  
23 opportunity to do that. So, do you turn  
24 applicants away because you don't meet an  
25 ordinance requirement for parking and you let

1 your city stay as it is, or do you encourage new  
2 business? And if you have a new business, you  
3 may be short of parking or whatever. So, if  
4 people like your business, they're going to find  
5 a way to get to there and you put it all  
6 together. And even during the busy times, in  
7 reality, it actually works, regardless of  
8 ordinance requirements or anything like that.

9 Q. Art, did you have an opportunity to  
10 talk to Resorts management about their five-year  
11 experience with this, in terms of parking  
12 demands?

13 A. Yeah.

14 Q. And what was the response?

15 A. Typically, the preponderance of the  
16 customers come from the building itself.

17 There are customers that walk up  
18 and down the boardwalk. No question about it.  
19 Myself. We'd walk up and down the boardwalk,  
20 stay at one of the facilities along the  
21 oceanfront, walk up and down the boardwalk and  
22 go to the Landshark. It's a wonderful  
23 opportunity.

24 Q. So, they're already parked in town  
25 somewhere?

1           A.           Yeah. How many would actually come  
2 just for this, there are some. I've done it  
3 myself, again, and I know friends that have done  
4 it. You'll come from out of town. You go to  
5 that destination. You'll park your car. But,  
6 that's a very small percentage of the numbers.

7                       But, regardless of that, let's look  
8 at what's in the area here. Again, I'm going to  
9 be very brief, because you all know this.

10                      This is a Google shot. From the  
11 east side starts from the 7,000-space parking  
12 garage at Revel.

13                      NICHOLAS TALVACCHIA: Did we mark  
14 this board?

15                      LANCE LANDGRAF: Yeah. A-4.

16                      ARTHUR PONZIO: Then you have all  
17 the parking opportunities at the Showboat  
18 facility and surface lots, another parking  
19 garage across. Garage under the building,  
20 surface lot adjoining the building.

21                      From the west side of Showboat,  
22 taking you down all the way through Taj Mahal --  
23 not Taj Mahal, excuse me -- Hard Rock, so much  
24 parking opportunity here with surface lots.  
25 This lot -- actually, this lot is converted into

1 their gas station facility. There is a large  
2 garage, this location, secondary garage here.  
3 Brings you -- keep moving west, brings you down  
4 to the Resorts properties. There are a  
5 preponderance of surface lots, as you can see.  
6 It's a little grainy in this photograph, but you  
7 can see the preponderance of surface lots  
8 throughout the area, all the way down to Central  
9 Pier and beyond. Moving to the west, down Mount  
10 Vernon, Indiana Avenue, which is just off the  
11 picture, the former Sands Casino site, a large  
12 parking facility in here.

13 So, there are ample opportunities,  
14 literally thousands and thousands of parking  
15 spaces here.

16 BY NICHOLAS TALVACCHIA:

17 Q. There's also metered spaces all  
18 around there.

19 A. Meters spaces. Street. I didn't  
20 count that. Many of the streets -- not all --  
21 many of the streets are metered for on-street  
22 parking.

23 So, there are lots of  
24 opportunities.

25 If you look at the scope of this

1 and think of this in the context of this area --  
2 I'm pointing to the center of the photograph --  
3 that is the Landshark. That little shaded area  
4 right there, that's the addition.

5 So, we do need a parking variance  
6 to put forth what we're talking about here  
7 today. That is the area we're speaking about.

8 Look at it in the context of the  
9 neighborhood, if you will. It is extremely  
10 de minimis. This request is in this area.  
11 That's important. If this was an isolated  
12 location somewhere, where we didn't have this  
13 activity, this opportunity for parking in the  
14 area, I wouldn't say what I'm saying now. But,  
15 this is so de minimis as compared to the whole.  
16 It's shared parking of someone coming in one  
17 facility, walking down the boardwalk, going to  
18 our facility.

19 There's the preponderance of our  
20 customers coming directly from Resorts, which  
21 all the parking is provided for, with Nick's  
22 space to spare. That's your private parking  
23 space, that one space.

24 So, there's plenty of opportunity  
25 there. There's a sharing all along the

1 boardwalk and throughout Atlantic City, for the  
2 most part, there's a sharing of all the parking.  
3 It worked when the city was -- hate to say --  
4 much more busy. But, let's just say there were  
5 more people here.

6 It works now. Obviously, it will  
7 continue to work in the future with or without  
8 the addition that we're talking here today.

9 Q. In 2012, when the authority  
10 approved this, there was no parking requirement,  
11 despite the 374 seats.

12 A. Correct.

13 Q. And from your information from  
14 management, has there been adequate parking for  
15 this facility?

16 A. Absolutely.

17 Q. And, in fact, in your experience,  
18 isn't it in the best interest of an owner to  
19 have sufficient parking to support the business?

20 A. Well, yeah. Whenever you have an  
21 opportunity to provide the parking, of course,  
22 it's the right thing to do, Nick.

23 Q. What I'm saying is a little  
24 different, I think, is that if the owner thought  
25 it needed more parking to make this successful,

1 it would provide it somewhere?

2 A. The way you stated it there, yes.  
3 No doubt about it. If an owner had a business  
4 and the business was doing well but the business  
5 was hamstrung because there wasn't enough  
6 parking, the first thing you would do is go out  
7 and find more parking. That's not the case  
8 here.

9 Q. This owner has, over time, added  
10 parking for various purposes over the years.

11 A. There are plans to continue doing  
12 that in the, hopefully, very near future.

13 Q. Finally, there's the trams on the  
14 boardwalk, which allows easy access up and down  
15 the boardwalk to the site, plus the jitneys on  
16 Pacific Avenue. Does that mass transportation  
17 help alleviate any need for parking?

18 A. Like we said a moment ago, it all  
19 works. So, that's all part of the formula.  
20 Mass transportation, the boardwalk, the  
21 pedestrian, as well as the tram activity on the  
22 boardwalk, you add it all up, and that's why it  
23 works.

24 Q. One more phenomena that I noticed  
25 is that people that go out to drink many times

1 will use Uber or Lyft because they don't want to  
2 drive and drink. If you get an Uber ride -- I  
3 know this personally -- you don't need a parking  
4 space.

5 A. It seems to be the rage, especially  
6 with the young folks. I see that. My own boys  
7 and whatnot. And I'm sure you're all very, very  
8 aware of that. And it's a pretty good thing.

9 Q. So, this is a bar and restaurant.  
10 So, in your opinion, would the fact that people  
11 are now using alternative means to reach this  
12 facility, again, Uber, Lyft and taxis and  
13 whatnot, and the awareness of drunk driving,  
14 encourage less need for parking?

15 A. It certainly does.

16 Q. Okay. So, in your opinion, given  
17 the de minimis nature, the availability of  
18 parking, lack of any parking problems the owners  
19 experienced over the years, can the board grant  
20 a variance for this, in terms of it's a better  
21 planning alternative not to add more asphalt if  
22 it's not needed?

23 A. I don't think it's needed. And it  
24 is a better planning alternative in this  
25 particular case, given the particulars of this



1 case. No question.

2 Q. And then do you see any detriment  
3 to the zone plan or public good of the authority  
4 for the grant of needed parking in this case?

5 A. Certainly not.

6 Q. Okay. Do you have anything  
7 further?

8 A. No.

9 NICHOLAS TALVACCHIA: I think that  
10 completes our presentation.

11 I know there's a letter from Mr.  
12 England.

13 I want to go back to one thing,  
14 what I said Mark Petrella said, in terms of this  
15 space.

16 Correct me if I'm wrong. As I  
17 understand it, we're renovating 2,600 square  
18 feet in the current building and we're adding a  
19 2,300 square foot deck outside?

20 MARK PETRELLA: That's correct.

21 NICHOLAS TALVACCHIA: Okay. I just  
22 wanted to make sure.

23 LANCE LANDGRAF: I believed him  
24 more than I did you, Nick, anyway, so --

25 NICHOLAS TALVACCHIA: I'll leave

1 that alone. But, all right.

2 MARK PETRELLA: Also, the height of  
3 the proposed sign from the existing boardwalk is  
4 about 32 feet to the top.

5 LANCE TALVACCHIA: The proposed  
6 sign?

7 MARK PETRELLA: Yes.

8 NICHOLAS TALVACCHIA: Do you know  
9 what the other sign is, the higher one, the one  
10 behind it is?

11 MARK PETRELLA: Slightly higher  
12 than that.

13 NICHOLAS TALVACCHIA: Within two  
14 feet?

15 MARK PETRELLA: Yeah. Probably  
16 within two feet.

17 NICHOLAS TALVACCHIA: So, 32 feet  
18 measured from boardwalk grade to the new sign  
19 height?

20 MARK PETRELLA: Correct.

21 NICHOLAS TALVACCHIA: Right. And  
22 the permitted in that area is 80 feet?

23 MARK PETRELLA: Yes.

24 NICHOLAS TALVACCHIA: Thank you.

25 LANCE LANDGRAF: So, we'll go to

1 our consultant report now.

2 Justin, do you want to go first?

3 JUSTIN AUCIELLO: Certainly.

4 LANCE LANDGRAF: Swear him in as  
5 well?

6 SCOTT COLLINS: No. He remains  
7 under oath and recognized as a professional  
8 planner, providing testimony on behalf of the  
9 authority.

10 Before you jump in, I just want to  
11 mark this B-1.

12 JUSTIN AUCIELLO: Letter dated  
13 November 28, 2018, revised to the 4th of  
14 December.

15 This is a letter, a joint letter,  
16 from Mr. England and my office.

17 I really only have very minor  
18 planning comments. There are four listed in the  
19 letter that are planning related.

20 Your testimony was quite  
21 comprehensive, and I really --

22 The only question I have: With  
23 respect to the additional seating going in  
24 between the building and the boardwalk, with  
25 respect to security. How would that be managed?

1 That's really my only planning question.

2 NICHOLAS TALVACCHIA: Mark can go  
3 through this, but there's no direct access from  
4 the boardwalk. You'll have to go up and then  
5 in. And that's, in my experience, going to be  
6 an alcohol control regulation. There will be --

7 You're talking about alcohol, or  
8 just in general?

9 JUSTIN AUCIELLO: Well, yeah. I  
10 mean, you know, my only question really relates  
11 to how people are going to access the ingress  
12 and egress from that location, whether that's  
13 going to be manned by someone just to ensure  
14 that there aren't any conflicts from people  
15 coming from the boardwalk or going from the  
16 seating to the boardwalk that maybe shouldn't  
17 be.

18 NICHOLAS TALVACCHIA: Okay. I  
19 frequent that place today, and there's a lot of  
20 traffic in and out. There's management there.  
21 I don't think there's going to be any security  
22 guards, but there is a host that controls the  
23 inflow in and out. There's plenty of staff in  
24 that area. In my five years of going there,  
25 night and day, I've never experienced any

1 issues.

2 Mark, if you could clarify or go  
3 over access to -- because my understanding --

4 ARTHUR PONZIO: It's not direct  
5 from the boardwalk?

6 NICHOLAS TALVACCHIA: Yeah. It's  
7 not direct from the boardwalk.

8 What exhibit are you referring to?  
9 This is part of the plan set. Right? What  
10 sheet is that?

11 MARK PETRELLA: This is sheet A-6,  
12 which are the perspective views of the exterior.

13 So, this bird's eye view shows that  
14 there is no access directly from the boardwalk  
15 to this new deck area. The entrance will be  
16 from the existing ramp from the boardwalk to  
17 this landing, intermediate landing, hexagonal  
18 landing. At that point, that's the entry point  
19 into that lower deck. And that's where the host  
20 station will be.

21 JUSTIN AUCIELLO: Great. Thank  
22 you.

23 And the other comments -- or  
24 question, Mr. Ponzio: Would you say that this  
25 application, in the aggregate, does advance the

1 purposes of the master plan and towards the  
2 district, as well?

3 ARTHUR PONZIO: I would say  
4 definitely, it does, yes. For all the reasons I  
5 testified to before, yes.

6 JUSTIN AUCIELLO: Thank you.

7 LANCE LANDGRAF: Bill, do you have  
8 anything to comment, please?

9 WILLIAM ENGLAND: Yeah. We have  
10 the --

11 Referring to the same letter,  
12 revised December 4th of 2018.

13 SCOTT COLLINS: Just before you  
14 start, for the record, Mr. England is the Casino  
15 Reinvestment Development Authority's engineering  
16 consultant and will be providing engineering  
17 testimony on behalf of the authority today.

18 WILLIAM ENGLAND: So, in listening,  
19 one of my comments was about the parking. And I  
20 believe, based on the testimony, that there's  
21 sufficient documentation that existing available  
22 parking is sufficient for this proposed  
23 addition.

24 A lot of my comments were related  
25 to the boardwalk. One of the comments, maybe

1 someone can add just a little bit more  
2 information to, regarding any additional trips  
3 or things of that nature for food, drink and  
4 supplying the restaurant itself, based on the  
5 additional seating. Maybe you can just spend  
6 just 30 seconds on how it's working now and what  
7 kind of extra demands you might see. Or is  
8 anything going to change from what's currently  
9 being done?

10                   NICHOLAS TALVACCHIA: Mr. England,  
11 for the last five years -- and this was  
12 extensively discussed in 2012.

13                   The deliveries come up over the  
14 boardwalk. No trucks. Right? They're wheeled  
15 up?

16                   ROCKY MERRILL: No.

17                   NICHOLAS TALVACCHIA: It's wheeled  
18 up. And it will continue that way and,  
19 hopefully, there will be more business.

20                   But, again, since there's no trucks  
21 going up there, we think there won't be an  
22 issue.

23                   WILLIAM ENGLAND: I just wanted to  
24 reconfirm that. I was aware of that. I just  
25 wanted to reconfirm that nothing is going to

1 change that.

2 NICHOLAS TALVACCHIA: You were the  
3 engineer back then for the city?

4 WILLIAM ENGLAND: Maybe. Very  
5 possible.

6 NICHOLAS TALVACCHIA: Maybe.

7 WILLIAM ENGLAND: And, of course, a  
8 lot of the comments relate to as far as  
9 relationship to the boardwalk itself and its  
10 condition. And, of course, you're going to be  
11 constructing up there.

12 We had taken some measures, when  
13 this facility was originally done, to make sure  
14 the boardwalk integrity was -- you know, still  
15 remained. Any repairs necessary were taken care  
16 of. That's where most of my comments were  
17 centered; with respect to protecting the  
18 boardwalk, you know, during construction and  
19 afterwards, and even before, to make sure we  
20 understand what's there so there's no finger or  
21 blame pointed anywhere.

22 NICHOLAS TALVACCHIA: Of course,  
23 for purposes of construction, we'll obtain the  
24 required boardwalk or street permits to go over  
25 the boardwalk from the city engineer's officer,



1 as to have --

2 Resorts is very experienced, after  
3 building that building and maintaining it, and  
4 it knows what to do. And we will follow the  
5 city's requirements in that regard.

6 WILLIAM ENGLAND: Absolutely.

7 Mr. Chairman, I have no other  
8 comments.

9 LANCE LANDGRAF: Okay. Thank you.

10 NICHOLAS TALVACCHIA: Art has one  
11 comment.

12 ARTHUR PONZIO: When you're talking  
13 about the boardwalk, I wanted to mention one  
14 thing to you. When the Steel Pier wheel was  
15 installed, we had to enhance the structure  
16 capacity of the boardwalk.

17 WILLIAM ENGLAND: Right.

18 ARTHUR PONZIO: So, on the west  
19 side of Pennsylvania Avenue, the ramp, the ramp  
20 is enhanced. The boardwalk is enhanced to get  
21 across, which would put you just to the west  
22 side, right here. Landshark. So, from here to  
23 the Steel Pier, the boardwalk is enhanced to  
24 take truck activity for construction vehicles.  
25 I'm thinking, during construction, more than

1 during operations of the facility.

2 So, the boardwalk's enhanced. The  
3 ramp can take it underneath the bridge to the  
4 Hard Rock, connecting the Hard Rock across to  
5 Resorts.

6 And there's actually a small  
7 service road connecting between the east side of  
8 the Landshark to the west side of Steel Pier,  
9 inside the dune. That was built so that the  
10 Steel Pier could have their heavy vehicles cross  
11 the boardwalk safely and then go down the beach,  
12 onto the Steel Pier. So, we can use that same  
13 opportunity here for the construction of this.  
14 Just to let you know that.

15 WILLIAM ENGLAND: Good. I  
16 appreciate that. And, you know, I wouldn't want  
17 to have something like a crane or something fall  
18 through the boardwalk. We wouldn't want to have  
19 something like that.

20 NICHOLAS TALVACCHIA: Just for the  
21 record, Mr. Landgraf, we do have a CAFRA  
22 application in process for this expansion.

23 LANCE LANDGRAF: Okay. I believe  
24 that's one of the conditions that we set up.

25 NICHOLAS TALVACCHIA: Yeah.

1 Mr. Jerome is handling it, of Jerome Associates.

2 There's not going to be any issue.

3 We talked to DEP. We tried to get it to be

4 exempt, but no-go, so --

5 But, we are going through that

6 process.

7 LANCE LANDGRAF: It's always worth

8 the effort.

9 NICHOLAS TALVACCHIA: It's worth a

10 few phone calls. But, no-go.

11 LANCE LANDGRAF: As always, any and

12 all other outside agency approvals would be a

13 condition of our approval of the application.

14 NICHOLAS TALVACCHIA: Sure.

15 LANCE LANDGRAF: With that, do you

16 have anything else, Mr. Talvacchia?

17 NICHOLAS TALVACCHIA: I do not.

18 I thank everybody for your time and

19 attention. And happy holidays, everybody, if I

20 don't see you.

21 LANCE LANDGRAF: Anything from you,

22 Rob?

23 ROBERT REID: No. I'm good.

24 LANCE LANDGRAF: All right. Scott?

25 SCOTT COLLINS: Nope.

1 LANCE LANDGRAF: We're good there.  
2 We'll open up the meeting to the  
3 public.

4 Anybody here, please, step forward,  
5 state your name.

6 NICHOLAS TALVACCHIA: I think it's  
7 all us.

8 LANCE LANDGRAF: Just making sure.  
9 For the record, show that no one is  
10 here from the public. We'll close that portion.  
11 Bring it back again.

12 Nothing from our end. We'll close  
13 the testimony on this matter.

14 Nick, it looks like we'll be on for  
15 our board for January.

16 NICHOLAS TALVACCHIA: Understood.

17 LANCE LANDGRAF: The meeting is on  
18 the 20th. We're just a little too close to  
19 that.

20 NICHOLAS TALVACCHIA: No. We  
21 understand.

22 LANCE LANDGRAF: It will be on our  
23 full board meeting in January. And that would  
24 be January 15th.

25 NICHOLAS TALVACCHIA: Okay.

1                   LANCE LANDGRAF: And, as always, I  
2 would ask someone from your office or the  
3 applicant to be there in case there's any  
4 questions.

5                   NICHOLAS TALVACCHIA: The board  
6 meeting is the 15th?

7                   LANCE LANDGRAF: It is, yes.

8                   NICHOLAS TALVACCHIA: Okay.

9                   LANCE LANDGRAF: I think that's all  
10 I have.

11                   I will close the testimony in this  
12 matter.

13                   And our next land use hearing is on  
14 December 20th. We do have one item, so far, on  
15 that agenda.

16                   NICHOLAS TALVACCHIA: I think  
17 that's me.

18                   LANCE LANDGRAF: I think it is. I  
19 think it is.

20                   This meeting and all future  
21 meetings will be held at Atlantic City, City  
22 Hall, Council Chambers.

23                   Just a note. We do have the  
24 ability to use the projector, so we can --  
25 boards are fine, but if you want to bring the

1 projectors, for your plans, on a flash drive, I  
2 have a computer here.

3 NICHOLAS TALVACCHIA: You have the  
4 computer. We just need to bring a flash drive.

5 LANCE LANDGRAF: Yes. Same setup,  
6 just with one screen behind me. We'll use that  
7 in the presentation.

8 So, with that, we will close  
9 today's hearing.

10 And, again, as Mr. Talvacchia said,  
11 happy holidays to everyone.

12 NICHOLAS TALVACCHIA: Thank you.

13 LANCE LANDGRAF: And we do have a  
14 meeting on the 20th, right before the holidays.

15 NICHOLAS TALVACCHIA: I'd like to  
16 introduce Rocky Merrill, who came in a little  
17 late. He is in charge of facilities and  
18 construction.

19 LANCE LANDGRAF: Hi, Rocky. Good  
20 to see you.

21 ROCKY MERRILL: Sorry for the  
22 interruption.

23 LANCE LANDGRAF: That's okay.  
24 Thank you.

25 We'll close the hearing at this

1 time.

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3 (This public hearing concluded at

4 10:53 A.M.)

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