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CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

APPLICATION NO.: 2021-11-3105

PREMIER ENTERTAINMENT AC, LLC

APPLICANT SEEKS PRELIMINARY AND FINAL SITE PLAN  
WITH VARIANCES FOR BEER HALL STRUCTURE AND  
OUTDOOR SEATING AND STAGE.

BLOCK 42, LOTS 1.04, 6, 7; BLOCK 43, LOTS 1, 13;  
BLOCK 44, LOTS 4, 4.02; BLOCK 45, LOTS 1, 3, 5

1900 Boardwalk,  
Atlantic City, New Jersey

Thursday - January 6, 2022

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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, before</p> <p>5 Karen A. Haworth, a New Jersey Certified Court</p> <p>6 Reporter (CCR), nationally certified Registered</p> <p>7 Professional Reporter (RPR), nationally</p> <p>8 certified Certificate of Merit holder (CM),</p> <p>9 nationally certified Certified Realtime</p> <p>10 Reporter (CRR), nationally certified Certified</p> <p>11 LiveNote™ Reporter (CLR), and Notary Public of</p> <p>12 the State of New Jersey, on the above date,</p> <p>13 commencing at 10:06 a.m., there being</p> <p>14 present:</p> <p>15</p> <p>16</p> <p>17</p> <p>18 <b>APPEARANCES:</b></p> <p>19 <b>CASINO REINVESTMENT DEVELOPMENT AUTHORITY:</b></p> <p>20</p> <p>21 LANCE B. LANDGRAF, JR.</p> <p>Chairman</p> <p>22 Director, Planning Department</p> <p>23</p> <p>24</p> <p>25</p>	4	
3	<p>1 CASINO REINVESTMENT DEVELOPMENT AUTHORITY</p> <p>2 (CONTINUED):</p> <p>3</p> <p>4 ROBERT L. REID</p> <p>5 Land Use Enforcement Officer</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11 <b>PROFESSIONALS TO THE BOARD FOR THIS HEARING:</b></p> <p>12</p> <p>13 SCOTT G. COLLINS, ESQUIRE</p> <p>14 RIKER, DANZIG, SCHERER, HYLAND &amp; PERRETTI</p> <p>15 (Where noted in the transcript)</p> <p>16</p> <p>17 CHRISTINE COFONE, PP</p> <p>18 COFONE CONSULTING GROUP, LLC</p> <p>19</p> <p>20 KATHRYN COMFORT</p> <p>21 ADAMS, REHMANN &amp; HEGGAN</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 <b>ALSO PRESENT FOR CRDA:</b></p> <p>6</p> <p>7 JANE FONTANA, ESQUIRE</p> <p>8 Assistant General Counsel, CRDA</p> <p>9</p> <p>10 LIZA BARRICK</p> <p>11 Assistant to Lance Landgraf</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 NICHOLAS F. TALVACCHIA, ESQUIRE</p> <p>20 COOPER LEVENSON, ESQUIRES</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	5
3	<p>1 CASINO REINVESTMENT DEVELOPMENT AUTHORITY</p> <p>2 (CONTINUED):</p> <p>3</p> <p>4 ROBERT L. REID</p> <p>5 Land Use Enforcement Officer</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11 <b>PROFESSIONALS TO THE BOARD FOR THIS HEARING:</b></p> <p>12</p> <p>13 SCOTT G. COLLINS, ESQUIRE</p> <p>14 RIKER, DANZIG, SCHERER, HYLAND &amp; PERRETTI</p> <p>15 (Where noted in the transcript)</p> <p>16</p> <p>17 CHRISTINE COFONE, PP</p> <p>18 COFONE CONSULTING GROUP, LLC</p> <p>19</p> <p>20 KATHRYN COMFORT</p> <p>21 ADAMS, REHMANN &amp; HEGGAN</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	5

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1 [COURT REPORTER'S NOTE:  
 2 THIS PUBLIC HEARING WAS CONDUCTED  
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 12 CUTOUTS WHERE TESTIMONY DID NOT CEASE.]  
 13  
 14  
 15  
 16 (Time noted: 10:06 a.m.)  
 17  
 18 **LANCE LANDGRAF:** Thank you, Liza.  
 19 So, good morning, everyone. I'm  
 20 gonna call to order the January 6, 2022 CRDA  
 21 Land Use Regulation and Enforcement Division  
 22 hearing to order.  
 23 If you could all please rise and do  
 24 the Pledge of Allegiance, please.  
 25 (The Pledge of Allegiance was

7

1 recited at this time.)  
 2 **LANCE LANDGRAF:** Thank you.  
 3 And happy new year, everybody.  
 4 **CHRISTINE COFONE:** Happy new year to  
 5 you, too.  
 6 **ROBERT REID:** Happy new year.  
 7 **NICHOLAS TALVACCHIA:** Happy new  
 8 year.  
 9 **LANCE LANDGRAF:** Hopefully, we come  
 10 out of this year a little better than we --  
 11 than we came out of 2021.  
 12 This hearing has been noticed in  
 13 accordance with the Senator Byron M. Baer Open  
 14 Public Meetings Act.  
 15 We have two items listed on our  
 16 agenda today. The first is Application  
 17 2021-11-3105, Premier Entertainment AC, LLC,  
 18 and the second is Application 2021-11-310 --  
 19 06, Atlantic Cape Community College. And  
 20 that's an informal presentation for a small  
 21 addition to the structure.  
 22 The Premier application --  
 23 Entertainment application, Bally's  
 24 Atlantic City Casino Resort, application seeks  
 25 preliminary and final site plan with variances

8

1 for beer hall structure and outdoor seating and  
 2 stage.  
 3 The property is located at 1900  
 4 Boardwalk, also known as Block 42, Lots 1.04, 6  
 5 and 7; Block 43, Lots 1 and 13; Block 44, Lots  
 6 4, 4.02; and Block 45, Lots 1, 3 and 5 as shown  
 7 on the tax map of the city of Atlantic City.  
 8 The site's located in the RC, Resort  
 9 Commercial, District.  
 10 Rob, have we had proper notification  
 11 on this application?  
 12 **ROBERT REID:** Yes. I had an  
 13 opportunity to review the documents by the  
 14 applicant, and we have jurisdiction to hear  
 15 this application.  
 16 **LANCE LANDGRAF:** Great.  
 17 And I'll -- I'll go to -- I think  
 18 it's ARH that did this review.  
 19 Do I have Kathryn?  
 20 Are we here on completeness?  
 21 **KATHRYN COMFORTH:** Yes. The --  
 22 Both Christine's office and I have  
 23 reviewed the application, and it's deemed  
 24 complete.  
 25 **LANCE LANDGRAF:** Great. Thank you

9

1 Kathryn and Christine.  
 2 Mr. Talvacchia, I think you  
 3 represent the applicant?  
 4 **NICHOLAS TALVACCHIA:** That's  
 5 correct.  
 6 **LANCE LANDGRAF:** Please proceed.  
 7 **NICHOLAS TALVACCHIA:** Thank you.  
 8 Good morning, everyone, and happy  
 9 new year.  
 10 We're pleased to be here today.  
 11 This is the first of what I think  
 12 will be many improvements made to Bally's since  
 13 Twin River bought Bally's last year from  
 14 Caesars. It was November of 2020.  
 15 And just by way of background, there  
 16 was a subdivision back then before the CRDA to  
 17 separate the Wild West from the balance of  
 18 Bally's. The Wild West stayed with Caesars and  
 19 the rest of Bally's is now owned by Twin River,  
 20 which is actually now Bally's. The name's been  
 21 changed.  
 22 But, in any event, I have with me  
 23 Michael Monty, who's the general manager.  
 24 He'll do a brief opening. I have John  
 25 DeRichie, who is the --

10

1           **LANCE LANDGRAF:** Excuse me for --  
 2 excuse me for one second.  
 3           I do not see Scott Collins on our --  
 4 on our panel here.  
 5           **NICHOLAS TALVACCHIA:** Oh. I don't,  
 6 either.  
 7           **CHRISTINE COFONE:** Yeah.  
 8           **LANCE LANDGRAF:** Let me see if I --  
 9 Can I put this on pause for one  
 10 second, Karen?  
 11           I'll reach out --  
 12 Jane, I'm gonna reach out to Scott.  
 13 We'll put this on pause for a minute, if that's  
 14 okay.  
 15           **JANE FONTANA:** Absolutely. Yes.  
 16           **LANCE LANDGRAF:** Okay. And I just  
 17 realized on the --  
 18 I'm on a smaller screen today. So,  
 19 I apologize. It didn't -- it didn't pop up.  
 20           **LIZA BARRICK:** This might have been  
 21 my fault. It looks like his email is written  
 22 wrong in the Zoom. So, I shoot --  
 23           **LANCE LANDGRAF:** Can you resend that  
 24 to him?  
 25           **LIZA BARRICK:** I will right now.

11

1           **LANCE LANDGRAF:** All right. I'm  
 2 gonna mute. I'm gonna try and call him now and  
 3 tell him to try and come in again.  
 4           (A recess was taken between 10:10  
 5 a.m. and 10:12 a.m.)  
 6           **LANCE LANDGRAF:** Okay. I am not  
 7 getting ahold of him on either his cell or his  
 8 office number.  
 9           Jane, are we okay proceeding with  
 10 you sitting in on this? And then we can work  
 11 together on getting a hearing officer report.  
 12           I -- I do not want to hold up this  
 13 application.  
 14           **JANE FONTANA:** Sure. Not a problem.  
 15           **LANCE LANDGRAF:** Okay. All right.  
 16 We'll proceed, then. And if -- if Scott comes  
 17 on, we'll -- we'll bring him in -- on board.  
 18           **LIZA BARRICK:** I sent him the link  
 19 so he'll have it.  
 20           **LANCE LANDGRAF:** Great. Thank you.  
 21 Sorry, everyone. It looks like  
 22 we're really starting off to an auspicious  
 23 start of 2022 here.  
 24           **NICHOLAS TALVACCHIA:** But, it's all  
 25 -- it's all covered, Lance. You have Jane.

12

1 So, it's all good.  
 2           **LANCE LANDGRAF:** That's right.  
 3 That's right.  
 4           All right. Nick, sorry for  
 5 interrupting. If you could --  
 6           **NICHOLAS TALVACCHIA:** No. No  
 7 worries.  
 8           **LANCE LANDGRAF:** -- continue.  
 9           **NICHOLAS LANDGRAF:** So, I --  
 10 Mr. Monty I introduced as the  
 11 general manager. He'll speak briefly.  
 12           We also have John DeRichie, the  
 13 project architect from SOSH, who's the other  
 14 Nick Talvacchia here. And then we have JOHN  
 15 Barnhart, who is our engineer and planner.  
 16           And, if you'd like, we can swear  
 17 those three in now, if you prefer.  
 18           **LANCE LANDGRAF:** Yeah. I think we  
 19 have --  
 20           Is Art here as well? Is he on your  
 21 application, or no?  
 22           **NICHOLAS TALVACCHIA:** Yeah. He's  
 23 just listening in.  
 24           **LANCE LANDGRAF:** Okay. All right.  
 25 All right. Please have them sworn

13

1 in.  
 2           Jane, if you could swear the -- the  
 3 witnesses in.  
 4           **JANE FONTANA:** Sure. If those  
 5 individuals can raise their right hand.  
 6           Do you solemnly swear to tell the  
 7 truth, the whole truth in connection with the  
 8 application before this board?  
 9           **JON BARNHART:** Yes.  
 10           JOHN DeRICHIE: Yes.  
 11           **NICHOLAS TALVACCHIA:** Thank you.  
 12           And, Mr. Landgraf, I offer  
 13 Mr. DeRichie as an expert in architecture and  
 14 Mr. Barnhart as an expert in planning and  
 15 engineering.  
 16           And I -- I know Jon's been qualified  
 17 many times before by the board. So, I'd ask  
 18 that he be determined to be an expert in  
 19 planning and engineering.  
 20           **LANCE LANDGRAF:** Absolutely.  
 21 As well as Mr. DeRichie, as well.  
 22 I've worked --  
 23 He's been before this board on -- on  
 24 many occasions as well.  
 25           **NICHOLAS TALVACCHIA:** Thank you very

14

1 much.  
2 So, this is an exciting project that  
3 Bally's Atlantic City is undertaking as a part  
4 of the -- a large number of improvements that  
5 new -- new ownership is undertaking to  
6 reposition Bally's and -- and again, really  
7 return it to a first-class property. And  
8 Mr. Monty can talk about some of those things.  
9 But, specifically, this application  
10 involves the old Dennis building, the  
11 horseshoe, that open area.  
12 And -- and what Bally's wants to do  
13 is reinvigorate that, give it some life and  
14 energy consistent with the CRDA master plan for  
15 the boardwalk. And specifically, we're  
16 proposing an approximately 5,000 square foot  
17 enclosed beer hall. It -- with -- with music  
18 inside and bar and seating and food service  
19 and, plus, some outdoor amenities, too, really  
20 to give that energy.  
21 So, the -- the idea is to make it a  
22 12-month venue with some open space, which  
23 will, obviously, be used when weather permits.  
24 So, with that, I'd like to have  
25 Mr. Monty talk a little bit about what the

15

1 company envisions for this project.  
2  
3 DIRECT EXAMINATION  
4 **BY NICHOLAS TALVACCHIA:**  
5 Q. Mr. Monty, you've been sworn.  
6 Please proceed.  
7 **A. Thanks -- thanks, Nick. I -- I was**  
8 **waiting to see what you were gonna say I was an**  
9 **expert in. But --**  
10 **All right. Nothing.**  
11 **So, to Nick's point, we're -- we're**  
12 **really looking to reinvigorate the boardwalk.**  
13 **We understand that you really only**  
14 **get one chance to make a first impression. And**  
15 **with the quantity of foot traffic that has**  
16 **passed by, particularly in the summer, that**  
17 **part of the property, we -- we want to welcome**  
18 **new customers as well as reintroduce old**  
19 **customers into our property.**  
20 **What they will be seeing, if -- if**  
21 **all goes as planned in our vision, is a**  
22 **indoor/outdoor beer hall with live**  
23 **entertainment, featuring both local and**  
24 **regional bands, that will draw a crowd that's**  
25 **both gaming and nongaming.**

16

1 **Once they get in, aside from the**  
2 **music, which they could probably hear passing**  
3 **by, and maybe smelling the food along the way,**  
4 **there will be a robust drink menu, in line with**  
5 **the beer hall concept, a real -- real open,**  
6 **free-flowing seating arrangement that allows**  
7 **quality food, but people can go back and forth**  
8 **through the entertainment.**  
9 **Ultimately, we see this as a -- as a**  
10 **introduction to our gaming amenities, but**  
11 **there's -- there's gonna be a crowd, as -- as**  
12 **we've seen at --**  
13 **Some of our competitors, there's a**  
14 **-- a nongaming crowd that comes for this**  
15 **entertainment. And that's -- that's,**  
16 **primarily, what got us hooked on this -- this**  
17 **concept.**  
18 **Really, this enhances the CRDA**  
19 **master plan for the boardwalk, particularly**  
20 **with the entertainment component.**  
21 **And it's just one part, but a large**  
22 **part of our hundred million dollar capital**  
23 **investment that's underway at this property as**  
24 **we seek to transform the -- you know, our**  
25 **location at the center of the boardwalk to a**

17

1 **more premier property in the market to -- to**  
2 **what it used to be back in the day.**  
3 Q. Mr. Monty, what is the time frame  
4 for opening the venue, at least partially?  
5 **A. We -- we understand how it --**  
6 **We're all aware that the seasonality**  
7 **of this -- of this business in the -- in the**  
8 **tourism to -- that occurs here in the summer.**  
9 **So, we are working hard to try to -- to -- to**  
10 **get this at least partially open by the -- the**  
11 **summer season.**  
12 Q. And -- and thank you.  
13 **NICHOLAS TALVACCHIA:** And -- and  
14 just for the record, we have been working with  
15 the DEP to obtain the required approvals from  
16 DEP. So, we --  
17 That's been going well.  
18 Any questions for Mr. Monty before I  
19 move on to Mr. DeRichie?  
20 **LANCE LANDGRAF:** I have none at this  
21 point.  
22 Kathryn or Christine, do you want to  
23 wait for the full presentation? Then we'll go  
24 through any questions you guys might have --  
25 **CHRISTINE COFONE:** Okay.

18	<p>1           <b>LANCE LANDGRAF:</b> -- with -- with  2 that.  3           So, why don't we go onto your next  4 witness, Nick?  5           <b>NICHOLAS TALVACCHIA:</b> I'd like to  6 have Mr. DeRichie.  7  8 DIRECT EXAMINATION  9 <b>BY NICHOLAS TALVACCHIA:</b>  10 Q. You've been sworn, John.  11           You're an architect at SOSH  12 Architects.  13           And I know you've been working on  14 this project diligently for several months now  15 to get it conceptualized, designed, and, you  16 know, get it ready. And I know you've been  17 pulling your hair out to -- to meet a -- an  18 aggressive time frame. But, you know, you want  19 to meet -- the company wants to meet the  20 season.  21           So, Jon Barnhart is going to be  22 displaying a number of the slides.  23           So, what I'd like you to do, John,  24 from the -- from an architect's standpoint, is  25 to describe the use, the building -- or the</p>	20	<p>1           <b>courtyard of the Dennis Hotel.</b>  2           <b>The building itself, it's designed</b>  3 <b>to feel like an indoor/outdoor experience.</b>  4           <b>The walls of the building, fully</b>  5 <b>glass, but they're also operable garage doors.</b>  6 <b>So, when climate permits, much of the walls of</b>  7 <b>this building are gonna be open to the</b>  8 <b>courtyard to make it feel like an</b>  9 <b>indoor/outdoor space.</b>  10           <b>Not only are the walls operable, but</b>  11 <b>a portion of the roof is actually retractable.</b>  12 <b>So, again, when climate permits, we are gonna</b>  13 <b>open up the roof, and -- and it will feel more</b>  14 <b>pavilion-like and help energize the entire</b>  15 <b>courtyard and not just the building itself.</b>  16           <b>JON BARNHART:</b> John, let me --  17           John, give me one second. I'll  18 scroll to the --  19           <b>NICHOLAS TALVACCHIA:</b> Jon -- Jon  20 Barnhart, I'd just like to scroll back so we  21 can identify the exhibit, John DeRichie.  22           <b>JON BARNHART:</b> Oh. Sure.  23           <b>NICHOLAS TALVACCHIA:</b> It was AC --  24           It's right at the bottom there, Jon.  25           It's sheet --</p>
19	<p>1 uses and -- and how this all fits together in  2 terms of creating this outdoor venue that  3 Mr. Monty described.  4           <b>A. Yeah. Sure. Thanks, Nick.</b>  5           <b>So, when Bally's came to us, you</b>  6 <b>know, several months ago, they said, you know,</b>  7 <b>we have this beautiful but really underutilized</b>  8 <b>courtyard space between the Dennis Hotel.</b>  9 <b>Right off of the boardwalk.</b>  10           <b>It's a huge opportunity. We use it</b>  11 <b>on kind of sparse occasions, but we'd really</b>  12 <b>like to get more out of it. We want to</b>  13 <b>transform the courtyard experience and we want</b>  14 <b>to offer boardwalk patrons something more than</b>  15 <b>we -- we currently are.</b>  16           <b>So -- so, the goal was really to</b>  17 <b>transform it into an indoor/outdoor</b>  18 <b>entertainment venue, as Mr. Monty alluded to,</b>  19 <b>that not only offers Bally's a great amenity</b>  20 <b>but would help enhance the boardwalk</b>  21 <b>experience.</b>  22           <b>So, you know, putting our design cap</b>  23 <b>on, the design solution really came in the form</b>  24 <b>of a 5,100 square foot addition that you see</b>  25 <b>here in plan that situates itself right in the</b></p>	21	<p>1           <b>JON BARNHART:</b> AC-004.  2 <b>BY NICHOLAS TALVACCHIA:</b>  3 Q. Okay. And -- and, John, this is the  4 plan set that was submitted to the board.  5 Correct?  6           <b>A. Yes. That's correct.</b>  7 Q. All right. So, this --  8           <b>LANCE LANDGRAF:</b> Who --  9           We'll mark this -- we'll mark the  10 entire submission package as A-1.  11           <b>NICHOLAS TALVACCHIA:</b> Thank you.  12 <b>BY NICHOLAS TALVACCHIA:</b>  13 Q. All right. Proceed, Jon Barnhart.  14 Sorry.  15           <b>JON BARNHART:</b> John -- John -- John  16 DeRichie, I'm gonna scroll you --  17           I will -- I'm gonna bring up the  18 elevation views so you can explain them a  19 little further, because you were getting into  20 that.  21           <b>JOHN DeRICHIE:</b> Yeah. So, the --  22 these graphics are -- are representative of  23 what I was describing. It's an entirely glass  24 building. Insulated glass.  25           You can see, on the lower portion of</p>

<p style="text-align: right;">22</p> <p>1 the building, several bays. They are the  2 operable garage doors. When the climate is --  3 permits, those will be open, and patrons can go  4 indoor, outdoor, freely flow.  5 You can imagine entertainment on the  6 inside. On the inside of the -- the glass  7 pavilion, there's gonna be a bar. There's  8 gonna be plenty of loose seating, and there's  9 going to be a performance stage for -- for a  10 variety of performances that take place.  11 In the foreground of the upper  12 left-hand image, you can see some of the  13 outdoor experience. There's gonna be plenty of  14 lounge furniture, fire pits, yard games in the  15 form of cornhole and maybe some others.  16 There's gonna be some lighting that  17 helps to accentuate the ambience.  18 And there's going to be an outdoor  19 stage for performances that not only activate  20 this lounge area, but it's gonna be located in  21 proximity to the boardwalk so that you'll feel  22 some of that entertainment as you traverse the  23 boardwalk.  24 Inside the actual existing building  25 is the other half of this project, which was a</p>	<p style="text-align: right;">24</p> <p>1 that you can see in the lower image there  2 that's going to be boardwalk facing so that  3 people who traverse the boardwalk will have a  4 clear understanding of what this facility is.  5 And there's also --  6 There's two -- two signs planned for  7 the porte-cochere side of this building. Some  8 of the traffic that we're gonna see not only  9 comes off the boardwalk, but comes from the  10 other side of the property.  11 And in plan, Jon, I think we've  12 noted, off the porte-cochere side, there were  13 two existing signs there that we're replacing  14 with two new internally illuminated smaller  15 signs at the entry.  16 <b>JON BARNHART:</b> John, which sheet  17 should I go to to show them that?  18 <b>JOHN DeRICHE:</b> I think --  19 It's -- it's one of the floor plan  20 sheets. I don't know exactly --  21 <b>JON BARNHART:</b> Okay. Give me --  22 <b>JOHN DeRICHE:</b> -- which sheet  23 number it is.  24 <b>JON BARNHART:</b> Bear with me one  25 second just so we can get that --</p>
<p style="text-align: right;">23</p> <p>1 former restaurant space that's going to be  2 completely renovated with a new bar, plenty of  3 seating. There's going to be some indoor  4 playful games, like pool -- pool tables.  5 There's also going to be a casino  6 gaming pit planned for the space.  7 There's going to be a -- a new  8 opening in the floor slab from the upper level  9 that we're going to include a new stair that  10 pulls patrons from the -- casino patrons from  11 the casino level down into this space so that  12 there's better accessibility and more energy to  13 the project.  14 I'd like to touch upon the plan for  15 signage for a minute.  16 Jon, I think there's a couple  17 elevations that -- that may depict the intent.  18 We don't have the signage designed  19 just yet, but we've outlined the parameters for  20 the -- the signage.  21 I know Bally's is going through a  22 branding process right now and -- and naming  23 the facility. Nothing is finalized yet.  24 But, we are planning a -- a  25 building-mounted internally illuminated sign</p>	<p style="text-align: right;">25</p> <p>1 Maybe it's your overall plan in the  2 front.  3 <b>JOHN DeRICHE:</b> Is there another  4 plan?  5 <b>JON BARNHART:</b> Bear with me one --  6 just --  7 Here it is, John.  8 <b>JOHN DeRICHE:</b> Yeah. There you go.  9 So, you could see it on the  10 left-hand side. We're replacing existing  11 signage. They're two smaller signs.  12 But, the large one is really  13 boardwalk-facing. And you can see the note  14 here, "proposed signage."  15 And then I believe there's a fourth  16 sign that's planned for the project that was  17 not identified in these plans.  18 But, Jon Barnhart, if you want to  19 identify that in this plan here.  20 There's an existing sign on the  21 facade of the building facing the boardwalk  22 that we'd like to replace in kind.  23 <b>JON BARNHART:</b> Yeah. So --  24 [Indiscernible - overtalking]  25 <b>JOHN DeRICHE:</b> ...as beer hall.</p>

26

1           **JON BARNHART:** Yep.  
 2           There. I just highlighted in red on  
 3 the right side of this plan is an existing sign  
 4 that Mr. -- Mr. Talvacchia worked on last year  
 5 to identify all the existing signs and -- and  
 6 obtain land use certificates for them.  
 7           The -- the plan of that -- of this  
 8 -- of this specific sign that I just  
 9 highlighted is to potentially reutilize that  
 10 sign size and location for the -- identifying  
 11 the beer hall. It may become a -- a lit sign,  
 12 which it currently is not. But, it would all  
 13 still fall within the guidelines of the land  
 14 use certificate that was given for the existing  
 15 sign. It would get no bigger. It would still  
 16 be a wall-mounted sign.  
 17           So, it just may be a swapping of --  
 18 of materials and copy and, potentially,  
 19 lighting to it.  
 20           We just wanted to bring that up as  
 21 -- you know, as it -- you may see that sign  
 22 change out. But, as -- as I mentioned.  
 23           And Nick can talk -- speak to this.  
 24 That sign was actually previously approved.  
 25           **NICHOLAS TALVACCHIA:** Right. And we

27

1 -- we --  
 2           Just for the record, we've discussed  
 3 this issue with Mr. Reid. And consistent with  
 4 past practice, if a sign is already a legal  
 5 sign and as long as you don't change the size  
 6 of it or the type, you can change the -- the  
 7 copy. And that's what we're really talking  
 8 about.  
 9           And, of course, we'll run that by  
 10 Mr. Reid at the appropriate time for CLUC to  
 11 make sure it complies, but we expect that it  
 12 will because we're not adding another sign  
 13 there and we're keeping it the same size.  
 14           Now, Jon, I know you're gonna come  
 15 up next, Jon Barnhart, for testimony.  
 16           We do need a sign variance for the  
 17 number of signs because we are adding three new  
 18 signs. But, we'll talk about that in a little  
 19 while just to clear the record.  
 20           The sign that you talked about on  
 21 the wall is not an additional sign; it's just a  
 22 changeout of copy.  
 23           **JON BARNHART:** That's correct.  
 24           And while I have this exhibit up and  
 25 -- and kind of highlighted, just to follow-up

28

1 on what John DeRichie was speaking about, the  
 2 box I have on the left side, there are two  
 3 proposed wall-mounted signs at that location.  
 4           If -- if you've -- if you've been to  
 5 the site -- I know many of us have when it was  
 6 Harry's -- there was Harry's signs out in those  
 7 areas.  
 8           The end of the --  
 9           So, there are two signs out at the  
 10 entrance, coming in off the porte-cochere area,  
 11 and then the one wall sign that will be on the  
 12 face of the new beer hall structure that will  
 13 -- that will face the boardwalk.  
 14           So, that -- that is the three new  
 15 signs that are with the application that are  
 16 the subject of the variance.  
 17           **NICHOLAS TALVACCHIA:** And -- and  
 18 Jon, I know you'll get into the -- it later,  
 19 but we're not talking about size of signs for  
 20 variance, just number of signs. Correct?  
 21           **JON BARNHART:** That's correct.  
 22           The site is well below the 25  
 23 percent threshold for wall-mounted signage, and  
 24 it's -- it's just a matter of the number of  
 25 wall signs.

29

1           And we know, the count permitted in  
 2 -- in the ord -- or in the regulations is  
 3 relatively low for a project of this -- or for  
 4 a -- a facility of this size.  
 5           It's understandable to have one or  
 6 two wall-mounted signs on a smaller building  
 7 when you -- but, when you get to something like  
 8 a structure such as -- as a casino property, it  
 9 warrants many wall-mounted signs. And that --  
 10 that's what creates the variance here.  
 11           **NICHOLAS TALVACCHIA:** Okay. Before  
 12 we get into all of the variance -- the  
 13 testimony, I want to go back to John DeRichie.  
 14 **BY NICHOLAS TALVACCHIA:**  
 15 Q. John, do you have any further  
 16 architectural comments, design comments?  
 17 A. No. I -- I think I -- I covered it  
 18 all.  
 19           **I just -- I want to highlight this**  
 20 --  
 21           **The slide that's up now, you can see**  
 22 **the activity that's gonna take place in the**  
 23 **board -- on the courtyard space. I think it's**  
 24 **gonna really energize not only the courtyard,**  
 25 **but the boardwalk. And I think it's gonna be a**



<p style="text-align: right;">30</p> <p>1 <b>really nice addition.</b>  2 Q. All right. Thank you.  3 <b>NICHOLAS TALVACCHIA:</b> Any questions  4 from Mr. DeRiche at this time? Of course,  5 he'll be available for the hearing if -- at a  6 later time.  7 <b>LANCE LANDGRAF:</b> I think, once we  8 get all the testimony in and have our  9 professionals testify as well and review their  10 reports, --  11 <b>NICHOLAS TALVACCHIA:</b> Okay.  12 <b>LANCE LANDGRAF:</b> -- we'll -- we'll  13 get our questions across then, Nick.  14 Thank you.  15 <b>NICHOLAS TALVACCHIA:</b> Thank you.  16 So, right before I bring up Jon  17 Barnhart to go over the engineering and  18 planning testimony, I just want to do a little  19 housekeeping.  20 We did submit a parking analysis  21 December 15th. In our original submission, we  22 said we would submit that. We did submit it.  23 And then in the reports, there were  24 two housekeeping items. The notice, which  25 we've submitted, the affidavit of notice.</p>	<p style="text-align: right;">32</p> <p>1 building coverage and lot coverage.  2 And I'll let Mr. Barnhart address  3 those issues.  4 <b>JON BARNHART:</b> Okay. Thank you,  5 Nick.  6 So, let me start --  7 I'm gonna close John's exhibits and  8 bring mine up, if you'd just give me one  9 moment.  10 <b>NICHOLAS TALVACCHIA:</b> And, Jon  11 Barnhart, these exhibits that you're about to  12 present, they were part of the original  13 submission? They're not --  14 <b>JON BARNHART:</b> That's correct.  15 They're all -- they're all just documents from  16 the submission package. That's correct.  17 <b>NICHOLAS TALVACCHIA:</b> Right.  18 Nothing new here.  19 Okay.  20 <b>JON BARNHART:</b> Correct.  21 <b>SCOTT COLLINS:</b> Nick, just before --  22 I don't know if you guys realized  23 this. I had a little technical difficulty in  24 the beginning.  25 I know that Lance picked up the ball</p>
<p style="text-align: right;">31</p> <p>1 And there's the certification of  2 paid taxes. We did supplement the application  3 to provide for that.  4 So, I just want to get that out of  5 the way.  6 And with that, I will ask --  7 <b>LANCE LANDGRAF:</b> So noted.  8 <b>NICHOLAS TALVACCHIA:</b> Thank you.  9 With that, I will ask Mr. Barnhart,  10 whose been qualified, to talk about the  11 variances.  12 So, Jon --  13 So, for the record, the parking  14 analysis showed that we did not need a parking  15 variance. I'd asked for it initially as a  16 matter of caution.  17 Because this property was separated  18 from Bally's last year, Bally's Wild West,  19 there had not been a new parking calculation  20 done at that time. We did it. We have an --  21 Actually, we're over parked at this  22 point in time. So, we don't need that. And we  23 withdraw that variance request.  24 And then what we're left with are  25 variances for more signs than permitted and for</p>	<p style="text-align: right;">33</p> <p>1 and we marked the application itself as A-1.  2 <b>NICHOLAS TALVACCHIA:</b> Yes.  3 <b>SCOTT COLLINS:</b> Nick, you just  4 referenced the parking analysis. Was that  5 submitted or is it --  6 It's been referenced.  7 <b>NICHOLAS TALVACCHIA:</b> It was  8 submitted on December 15th to Rob. And I  9 believe you were copied on it, Scott.  10 So, if you want to make that another  11 exhibit, that's fine.  12 <b>SCOTT COLLINS:</b> Sure.  13 And then anything else that we're  14 talking about here?  15 <b>NICHOLAS TALVACCHIA:</b> There's  16 nothing new that we're presenting that's not in  17 the application package, Scott.  18 <b>SCOTT COLLINS:</b> Okay. Okay.  19 And Jon -- I'm sorry -- you were  20 sworn and qualified?  21 <b>JON BARNHART:</b> Yes.  22 <b>SCOTT COLLINS:</b> Okay.  23 <b>LANCE LANDGRAF:</b> Jane stepped in for  24 you, Scott.  25 <b>SCOTT COLLINS:</b> Okay. Okay. I was</p>

34

1 here, but --

2 For part of it I was here, but I

3 couldn't talk. I was on mute. So, okay.

4 **LANCE LANDGRAF:** Oh. Sorry about

5 that.

6 [Indiscernible - overtalking]

7 I had -- I had similar --

8 I couldn't even get into the

9 meeting. I'm --

10 It's -- it's -- it's our glitch of

11 2022.

12 **SCOTT COLLINS:** Okay. It happens.

13 Okay. Thank you, all.

14 **NICHOLAS TALVACCHIA:** Thank you.

15

16 DIRECT EXAMINATION

17 **BY NICHOLAS TALVACCHIA:**

18 Q. All right. Jon, Jon Barnhart, if

19 you can proceed.

20 A. Sure.

21 **So, I'm just gonna start with the**

22 **existing conditions plan.**

23 **I know everybody's aware of the**

24 **location, but just to give context for the**

25 **record.**

35

1 **The -- the -- the plan you see**

2 **before you is the existing conditions of the**

3 **property. The -- the bold outline is the**

4 **subject property itself. Those --**

5 **That includes the towers and the**

6 **parking garages and -- and -- and the -- and**

7 **the restaurants and -- and casino space.**

8 **The proposed project -- and I'm kind**

9 **-- if you follow my -- my red dot mouse, is**

10 **within this area. It's the courtyard that is**

11 **the former Harry's oyster bar courtyard area**

12 **that has been used for a number of summers for**

13 **outdoor eating. And they have a bar out there.**

14 **And it -- and it has been a great location for**

15 **some very exciting entertainment and dining and**

16 **-- and -- and, in some cases, retail offerings.**

17 **They've had some different events in there.**

18 **As we all know, Harry's has -- has**

19 **closed at this point and the Bally's folks want**

20 **to take this space to the next level, which**

21 **we're super, super excited about.**

22 **Let me just go to our site plan.**

23 **Nope. Give me one second. I've got to close**

24 **this one.**

25 **Okay. Can everybody see that?**

36

1 **NICHOLAS TALVACCHIA:** Yes.

2 **JON BARNHART:** Okay. So, as John

3 already described, the proposal is to -- is to,

4 basically, as I mentioned, take the -- the --

5 the -- the Dennis Hotel courtyard kind of to

6 the next level.

7 Right now, as we know, it's a --

8 it's a lawn area. It has some landscaping. It

9 has an outdoor bar. It has some hardscaping

10 for patio seating.

11 And it has been great, but it has so

12 much potential that Bally's has -- is

13 recognizing that and -- and -- and that's why

14 we're here this morning.

15 The --

16 Again, as Mr. DeRiche already

17 explained to you and -- but I'm just gonna kind

18 of draw and point out a few specific things.

19 The proposed structure, the beer hall

20 structure, is about 5,000 square feet. It will

21 have a direct physical connection to the

22 interior space. And the -- the -- the building

23 itself, the glass structure, which will have a

24 -- and a retractable roof, I just highlighted

25 in red. That will be an indoor/outdoor type of

37

1 space. All the -- all the -- all the perimeter

2 walls will open by way of garage doors and the

3 roof will open. So, in the summer months, you

4 can, essentially, be inside that structure and

5 still feel like you're sitting outside.

6 What this structure does for this

7 space is it allows it to be utilized for a much

8 longer period of time than the -- than the

9 prior courtyard space, in that it will be able

10 to go shoulder months, potentially year-round.

11 You know, it -- it will --

12 You know, when you close that

13 structure, when you close the walls, close the

14 doors, it will, you know, obviously, be a much

15 different conditioned space for use whenever

16 Bally's deems to be appropriate.

17 The other elements within this area

18 are some outdoor seating.

19 Bear with me one second.

20 There will be some specific outdoor

21 seating along the perimeters you can see here

22 and here.

23 There will also be a -- what we're

24 gonna call a lawn area that will have some

25 outdoor seating, which I'm highlighting here.

<p style="text-align: right;">38</p> <p>1 Those areas will be strictly outside and,  2 obviously, more just toward -- toward good  3 weather conditions, but you will still have  4 that full outdoor experience as well.  5 One thing I do want to point out,  6 which is a little different from our submission  7 package, is that this area here was -- is  8 called out as lawn. There --  9 Bally's has looked at it and have --  10 and they believe that they -- what they would  11 like to do is use an artificial turf in that  12 space from -- from a -- just from a cleanliness  13 and -- and maintenance standpoint. They  14 believe that that may be the best way to go.  15 So, you will hear me provide a -- a  16 very, very minor difference in the coverage  17 numbers that were on the application plan.  18 But, I did want to point that out to you.  19 And then the second piece of that is  20 that -- is that they would like -- in their  21 design development, they would like to take the  22 stage that's shown in that area and actually  23 move it to right about here to give a little  24 more space in front of the stage for -- you  25 know, for dancing and -- and -- and</p>	<p style="text-align: right;">40</p> <p>1 the stage and things are, all of the existing  2 site conditions would remain as they are. And  3 actually, they're -- they're very well kept and  4 -- and the landscaping is very well maintained  5 in those areas.  6 Okay. So, with regard to the  7 variances, we are asking for three variances  8 this morning.  9 The --  10 Variance number one is the signage,  11 which we kind of already touched on. There are  12 --  13 As you know, the regulations permit  14 maximum number of free -- maximum number of  15 wall signs. And, obviously, the building  16 already well exceeds the -- the permitted  17 requirement.  18 So, we are requesting a variance to  19 add three additional wall signs, which John --  20 John DeRichie described.  21 They meet -- they meet ordinance  22 requirements with regard to their location on  23 the building. They meet ordinance requirements  24 with regard to their height, with their width,  25 with regard to their projection from the</p>
<p style="text-align: right;">39</p> <p>1 entertainment in front of the stage not  2 conflicting with the seating area.  3 So, that is, again, a very, very  4 minor difference in the -- in the impervious  5 coverage that we reported initially, when the  6 -- when we were in the design of this project.  7 But, I will get those numbers on the record. I  8 just wanted to -- to -- to point all of that  9 out for you.  10 The couple of things that I did -- I  11 want to point out while I'm on this slide that  12 were brought up in the professional reports.  13 The -- the -- the space around the  14 facility will be hardscaped, for the most part.  15 You can see I say "existing concrete  16 patio." Some of it may need to be replaced as  17 a result of construction activities.  18 The space in front, as I mentioned,  19 will be -- will be a synthetic turf.  20 And then the other areas as you go  21 toward the boardwalk would, essentially, remain  22 the existing conditions, what they are;  23 concrete patio and/or boardwalk structure  24 and/or landscape area.  25 So, once you get past the area where</p>	<p style="text-align: right;">41</p> <p>1 building, and their individual area.  2 It's the -- it's the fact that we  3 are adding signs to the building that already  4 exceeds the maximum number of wall-mounted  5 signs that creates the variance.  6 The -- the next variance that we are  7 asking for is with regard to lot coverage.  8 And then the final is building  9 coverage.  10 I'm gonna talk about those two  11 together because they kind of go hand-in-hand.  12 Building coverage, you know, I think  13 in this case, it is -- well, actually, both  14 cases, is very, very de minimis.  15 This building -- this structure, I  16 should say, is, essentially, open on three  17 sides and a roof during some months. It is  18 very transparent. It has no real impact with  19 regard to the massing on the site, and it is  20 actually surrounded on three sides by the  21 existing building.  22 So, if you were to drive by this  23 Bally's facility from Michigan Avenue, from  24 Pacific Avenue, you wouldn't even know that --  25 that this new structure will be in place. And</p>

<p style="text-align: right;">42</p> <p>1 from the boardwalk, honestly, it will -- it  2 will actually create an attractive appearance  3 of this open glass transparent structure  4 looking from the boardwalk back through the  5 courtyard, into the Dennis Hotel area.  6 So, from a building -- building  7 coverage perspective, we think it's -- it's --  8 it's only a benefit to this property. It  9 creates a -- a -- an attractive area. It has  10 no negative impacts to any of the surrounding  11 properties or -- or land uses.  12 With regard to the lot coverage, the  13 impervious coverage. So, this is an  14 interesting one when you look at developed  15 properties such as Bally's. Because, as you  16 know, prior to the Tourism District being in  17 place, there was no lot coverage requirement in  18 -- in the -- in -- in the casino zones. You  19 were only ever dealing with building coverage.  20 So, on a new project, the -- the  21 regulations have numbers of 80 percent and 70  22 percent, which makes sense to try to -- to try  23 to ensure projects have appropriate greenery  24 and landscaping and -- and don't overmass  25 themselves on sites.</p>	<p style="text-align: right;">44</p> <p>1 I think the positive criteria, there  2 are a couple purposes of zoning that are  3 advanced to establish a -- a positive criteria.  4 While they are C --  5 While we are applying the (c.) (2) or  6 flexible "C" type of variance to the  7 application, there are a couple purposes of  8 zoning that we do believe that are advanced.  9 And that is, first of all, we are creating a  10 very desirable visual environment and providing  11 an amenity to the public, to the community, and  12 to -- and to visitors of the city of  13 Atlantic City that kind of doesn't exist on the  14 boardwalk.  15 There's some -- there are some other  16 venues that are -- that are -- that are working  17 as, you know, beer halls and things like that,  18 but this is taking it, I think, to another  19 level.  20 They're utilizing a space that is a  21 magnificent space, that courtyard. And anybody  22 that has been in it, even -- even when they had  23 a -- a small portable stage and some tables out  24 there when it was Harry's, it was a -- it was  25 an unbelievable experience to stand in there,</p>
<p style="text-align: right;">43</p> <p>1 We're in a portion of town that is  2 fully developed. The -- the sites are all 90  3 to a hundred percent in coverage, both building  4 and lot.  5 And what we propose is entirely  6 compatible with -- with all of our surrounding  7 land uses, as I'm sure you all recognize.  8 And also, you have to remember what  9 we propose is within a -- a three-sided  10 courtyard that is -- the -- the only place that  11 you see it is from the boardwalk.  12 So, we believe that we don't create  13 any negative impact with a building or lot  14 coverage variance request.  15 And keep in mind, in the scope of  16 the -- of the site, you know, we're talking  17 about -- we're talking about coverages that are  18 going up a minuscule amount. So, it's -- it's  19 a very, very minor request. And we believe  20 that -- that it is appropriate.  21 So, when we look at these variances,  22 they are all C-type variances, both the signs  23 and -- and the coverage variances. The --  24 We have to, obviously, satisfy the  25 positive and the negative criteria.</p>	<p style="text-align: right;">45</p> <p>1 look at -- around -- look around at the  2 architecture of that building, look back at the  3 boardwalk, enjoy food and beverage. And this  4 is going to now take that space to -- to a  5 level that -- that we don't have on the  6 boardwalk right now.  7 So, we believe that this creates a  8 tremendous desirable visual environment.  9 We also believe that the application  10 promotes the general welfare. The reason that  11 I can say that -- and I -- I always say this --  12 Miss Cofone does a good job of doing my  13 planning work for me in her -- in her reports  14 -- the -- the application clearly advances both  15 the purposes of the RC, Resort Commercial,  16 District and of the Tourism District master  17 plan.  18 And I'm just gonna just quickly put  19 into the record a couple of -- of the  20 specifics. They're actually already in the  21 record already because they're right out of  22 Miss Cofone's report.  23 But, the -- the purpose of the RC  24 Commercial District is to provide an array of  25 land uses that will capitalize on the zoning --</p>

<p style="text-align: right;">46</p> <p>1 on the zoning district's geo -- geographical  2 advantages of the zoning district's proximity  3 to the boardwalk or the ocean. That's sentence  4 number one.  5 This project promotes that exactly.  6 It is immediately adjacent to the boardwalk.  7 With what is proposed here, it's going to feel  8 like it's on and -- and/or an extension of the  9 boardwalk. And it's absolutely going to  10 invigorate the Resort Commercial District by  11 adding this -- this project to that boardwalk  12 frontage.  13 With regard to promoting the master  14 plan, Tourism -- the Atlantic City tourism  15 master plan, again, reading right from  16 Miss Cofone's report, "The vision is to  17 reinvigorate Atlantic City in the near-term as  18 a leading resort destination in the northeast  19 and beyond. Among others, overarching  20 objectives are to develop an economically  21 viable and sustainable Tourism District."  22 This is the projects -- these are  23 the types of projects you want on your  24 boardwalk to create that environment that  25 everybody from near and far wants to come to.</p>	<p style="text-align: right;">48</p> <p>1 not overtaking any of the structures  2 whatsoever. They are -- they are just  3 identifying the use that we are proposing  4 within this -- within this courtyard area.  5 So, we think they're very  6 appropriately sized and appropriately located  7 and create no negative impact to -- to any  8 visual environment.  9 With regard to the two coverage  10 variances that I mentioned, I think it's a case  11 of -- with -- looking on -- I'm sorry --  12 looking at the zone plan or zoning ordinance,  13 this is a case of you had some changes to the  14 Tourism -- to the regulations when the Tourism  15 District came in -- in -- into play. So, this  16 site, by way of its prior subdivision, puts  17 itself in a -- in an -- in a condition of being  18 nonconforming and having no ability to improve  19 upon itself from a building or lot coverage  20 standpoint without variance.  21 So, we believe that it's being done  22 in such a way that does not create a  23 substantial detriment to the zone plan or  24 zoning ordinance. We're taking a space that is  25 already being utilized for things and just</p>
<p style="text-align: right;">47</p> <p>1 The hope is that there's 50 of these  2 along the Atlantic City boardwalk, not just  3 one. But, the --  4 You know, you have to get -- you  5 have to get projects -- you know, projects  6 going to -- and hope that -- that others see  7 how great they -- that this boardwalk can be  8 and will be.  9 And for those reasons, we believe  10 that both the master plan and the purpose --  11 and the purpose of the -- of the district are  12 advanced, which -- which, therefore, promotes  13 the general welfare.  14 Those two items, we believe,  15 establish the positive criteria.  16 With regard to the negative  17 criteria, is there a substantial detriment to  18 the zone plan or zoning ordinance? Well, I  19 would say, from a sign perspective, if you were  20 to drive around this property, you'd have a  21 hard time even finding the signs that we are  22 proposing. We're -- we are proposing them  23 because, obviously, the -- the site needs  24 identity. But, they are in keeping with the  25 character of -- of the architecture. They are</p>	<p style="text-align: right;">49</p> <p>1 making it better without creating any major  2 mass to the site.  3 And with regard to the coverage -- I  4 -- I -- I just want to touch on this quickly,  5 but we can touch on it more as the reports are  6 read into the record. There --  7 We will be handling drainage  8 appropriately throughout the entire courtyard.  9 There is a complete drainage system  10 within the courtyard we will be modifying and  11 utilizing. And we will provide all those  12 details as a condition of a final approval. We  13 just didn't have them in time for the initial  14 submission that was made.  15 So, we believe that the first prong  16 in the negative criteria is clearly satisfied.  17 The second prong is that there is no  18 substantial detriment to the public good.  19 I think, with a -- a very straight  20 face, I can say that this is only a benefit to  21 the public.  22 The -- the venue, if it's absolutely  23 packed, the only people that will even hear it  24 are the people that are on -- on property.  25 Because of its specific location, it will have</p>

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1 no -- no negative impact to the surrounding  
 2 properties with regard to noise.  
 3 There is more than adequate parking  
 4 on this site. I think, as Nick identified to  
 5 you, there are over 800 spaces in excess, based  
 6 on the ordinance, for the property as -- as a  
 7 total -- in total. So, it does not create a  
 8 traffic issue. It does not create a parking  
 9 issue.  
 10 We're hopeful that it creates an  
 11 issue of more people on the -- coming to the  
 12 boardwalk in Atlantic City, but, obviously,  
 13 that's -- that's a benefit to the public as  
 14 well.  
 15 So, we believe that this project and  
 16 the variances that we're requesting are truly  
 17 only a benefit to the public and create no  
 18 negative impacts to any of the -- any of the  
 19 adjacent structures.  
 20 So, based on all of that, I believe  
 21 we have satisfied both the positive and the --  
 22 and the negative criteria.  
 23 I -- I tried to touch on a couple of  
 24 the specific items in the professional reports  
 25 within my direct testimony, but I'm, obviously,

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1 more than happy to answer any additional  
 2 questions that everybody has.  
 3 **NICHOLAS TALVACCHIA:** Jon, I would  
 4 like to just follow-up on one small point on  
 5 the signage variance.  
 6 We're asking --  
 7 We're, as you testified, well under  
 8 the area permitted, but we have more signs, and  
 9 you said that that's because the building is so  
 10 large, it warrants more signs. But, that's  
 11 also important in terms of a purpose of zoning,  
 12 which is to promote efficient and safe  
 13 transportation.  
 14 Would you agree with that?  
 15 **JON BARNHART:** Yes. Having adequate  
 16 signage to have patrons, folks, be able to find  
 17 the location that they're trying to get to is  
 18 important, because it avoids people walk --  
 19 either walking around a building multiple  
 20 times, trying to get where they're going, or,  
 21 you know, driving through the porte-cochere and  
 22 really not having any idea where this facility  
 23 is.  
 24 So, having appropriate signage is  
 25 important to provide appropriate guidance to

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1 both motorists and pedestrians.  
 2 **NICHOLAS TALVACCHIA:** And -- and  
 3 that is one of the purposes of zoning.  
 4 Correct?  
 5 **JON BARNHART:** It is. Design of  
 6 transportation routes. Correct.  
 7 **NICHOLAS TALVACCHIA:** All right.  
 8 So, I -- I have nothing further of  
 9 Mr. Barnhart.  
 10 Mr. Landgraf, that completes our  
 11 presentation.  
 12 We know there's a report, and we're  
 13 available to respond to that and any questions.  
 14 **JON BARNHART:** Oh. Wait. Nick, I  
 15 do --  
 16 You know, I didn't put on the record  
 17 the -- the additional impervious coverage. The  
 18 building coverage doesn't change, but the  
 19 additional impervious coverage is another 2,420  
 20 square feet, which equates to 0.5 percent.  
 21 So, the request on our plan was at  
 22 97.8 percent. And that number would now go to  
 23 98.3 percent. I just wanted to get that --  
 24 **NICHOLAS TALVACCHIA:** That's --  
 25 that's impervious, Jon?

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1 **JON BARNHART:** That's impervious.  
 2 Correct.  
 3 **NICHOLAS TALVACCHIA:** Okay. Thank  
 4 you.  
 5 **LANCE LANDGRAF:** That was my  
 6 question. The only question I had, Jon, was to  
 7 get that number in -- into the -- into the  
 8 file, into the record.  
 9 Thank you.  
 10 Okay. With that, we'll bring up --  
 11 Kathryn, do you want to enter your  
 12 report into the record? It is dated December  
 13 15th.  
 14 We'll mark that as B-1.  
 15 **KATHRYN COMFORTH:** Sure.  
 16 **LANCE LANDGRAF:** And, Scott, we  
 17 should probably swear in our professionals.  
 18 **SCOTT COLLINS:** Okay. Good morning.  
 19 Good morning, Kathryn.  
 20 Could you raise your right hand,  
 21 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 **KATHRYN COMFORTH:** Yes, I do.

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1           **SCOTT COLLINS:** And you will be  
2 testifying as an expert in the field of  
3 professional engineering?  
4           **KATHRYN COMFORTH:** Correct.  
5           **SCOTT COLLINS:** And you have  
6 testified, obviously, before this body numerous  
7 times.  
8           Lance, do you recognize -- continue  
9 to recognize her credentials?  
10          **LANCE LANDGRAF:** Yes.  
11          **SCOTT COLLINS:** Do you want to do  
12 Christine at the same time?  
13          **LANCE LANDGRAF:** Please.  
14          **SCOTT COLLINS:** Oh. There you are.  
15 Good morning.  
16          **CHRISTINE COFONE:** Good morning.  
17          **SCOTT COLLINS:** Do you swear to tell  
18 the truth, the whole truth, and nothing but the  
19 truth in your testimony here today?  
20          **CHRISTINE COFONE:** Yes, I do.  
21          **SCOTT COLLINS:** And again, you have  
22 testified before this body numerous times as an  
23 expert in the field of professional planning --  
24          **CHRISTINE COFONE:** I have.  
25          **SCOTT COLLINS:** And, Lance, with

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1 your permission, we continue to recognize her  
2 credentials?  
3           **LANCE LANDGRAF:** Absolutely.  
4           **SCOTT COLLINS:** Thank you very much.  
5 Okay. Kathryn, why don't you do --  
6           **CHRISTINE COFONE:** And happy  
7 birthday, Scott.  
8           **SCOTT COLLINS:** Oh. Thank you very  
9 much.  
10          **NICHOLAS TALVACCHIA:** Happy  
11 birthday, Scott.  
12          **LANCE LANDGRAF:** Happy birthday.  
13          **SCOTT COLLINS:** Okay.  
14          **LANCE LANDGRAF:** Kathryn, why don't  
15 you briefly go through your report?  
16           I don't know. I think they've  
17 addressed most of our -- of your comments, but  
18 just hit the highlights, if you could.  
19          **KATHRYN COMFORTH:** Sure.  
20           So, as Lance mentioned, it's a  
21 report that our office put together in  
22 conjunction with Christine's office. It's  
23 dated December 15th, 2021.  
24           Again, most of the comments were  
25 addressed, I'll say, from a -- from an

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1 engineering perspective. It's just I'll --  
2 I'll do the -- the catchall.  
3           I'll just get confirmation that  
4 anything we requested in our letter -- I know  
5 Jon has already mentioned some of the stuff  
6 that they'll provide as a condition of  
7 approval. Do you -- do you guys take exception  
8 to anything that we asked for, in terms of  
9 providing anything, and that you'll comply with  
10 our letter?  
11          **NICHOLAS TALVACCHIA:** We will  
12 comply.  
13          **KATHRYN COMFORTH:** Okay.  
14 [Indiscernible - overtalking]  
15          **JON BARNHART:** We've -- we've read  
16 all the -- we read the letter, and we can  
17 comply with everything.  
18          **KATHRYN COMFORTH:** Okay. So, I'll  
19 say highlights on it.  
20           You -- you talked about where -- the  
21 area we were concerned; what the material type  
22 was gonna be.  
23           We would ask that --  
24           I know you mentioned some of the  
25 existing concrete that you're gonna -- you guys

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1 are going to try and keep as much as possible.  
2 Could you just give us a general this is how  
3 much you think you have -- the, you know, in a  
4 perfect world, if you had to saw cut it and  
5 everything stayed perfect, this is -- this is  
6 what you anticipate being -- keeping up front  
7 and being able to -- versus removal for the  
8 improvements?  
9           **JON BARNHART:** Yeah. If you want to  
10 keep going, I can give you a rough idea on  
11 square footage.  
12          **KATHRYN COMFORTH:** Oh. I think --  
13 Just so, on the plan itself, we can  
14 have an approximate on that.  
15          **JON BARNHART:** Oh. Oh. You mean as  
16 a condition. Yeah. Yeah. That's fine.  
17          **KATHRYN COMFORTH:** Yeah. Yeah.  
18 Yeah. Yeah.  
19          **JON BARNHART:** Yeah. Yeah. Yeah.  
20 We will --  
21           There's a decent chance that --  
22           You know, it's a -- it's a rel --  
23 it's a relatively tight space for them --  
24          **KATHRYN COMFORTH:** Mm-hmm.  
25          **JON BARNHART:** -- to get the

<p style="text-align: right;">58</p> <p>1 structure built, so there's a decent chance  2 that a lot of it right -- right around the  3 building will have to come out.  4 But, we'll -- we'll -- we'll clarify  5 what the minimum would be. And there -- they  6 may end up having to replace more as they go.  7 <b>KATHRYN COMFORTH:</b> Okay. You guys  8 talked about the materials.  9 You did talk about the signs. We  10 would ask that as -- once the -- once the --  11 what the -- the -- how the -- the design of the  12 signs. That's the word I'm looking for. Once  13 you guys finalize that, making sure that that  14 -- that gets submitted.  15 We talked about being able to  16 provide the additional drainage.  17 My -- one of my comments no longer  18 applies, because I'm assuming, when it's  19 raining, you're not gonna have the roof open.  20 So, we don't have to worry about the -- the  21 beer garden area if it drains or anything like  22 that. It will only be open during non-rain  23 event weathers. Correct?  24 <b>JON BARNHART:</b> I would -- I would  25 assume that to be correct. Yes.</p>	<p style="text-align: right;">60</p> <p>1 Christine, your end of the report;  2 planning stuff.  3 <b>CHRISTINE COFONE:</b> Yes. Good  4 morning.  5 So, Mr. Barnhart, as always, has  6 addressed all of our points in our report that  7 we coauthored with Kathryn.  8 There's just a few things that I  9 wanted to clarify on the record this morning,  10 Mr. Barnhart.  11 So, as far as the lot coverage,  12 currently, as the site sits today, it's  13 nonconforming. Correct?  14 <b>JON BARNHART:</b> That's correct.  15 <b>CHRISTINE COFONE:</b> So, regardless of  16 anything that you did on this site, you would  17 need to seek a variance --  18 <b>JON BARNHART:</b> That's correct.  19 <b>CHRISTINE COFONE:</b> -- for lot  20 coverage.  21 So, I know you used the (c.)(2),  22 flexible (c.)(2), standards and you used  23 criteria A and I, but, given that fact, that,  24 currently, as the site sits today, you're sort  25 of hamstrung to make any improvements to the</p>
<p style="text-align: right;">59</p> <p>1 <b>KATHRYN COMFORTH:</b> And then I think  2 the only other thing is -- that you haven't  3 touched upon is just making sure that any  4 utility connections that you need in order to  5 get that area and -- that bar area are shown on  6 the plans.  7 Other than that, we didn't really  8 have any -- any additional objections.  9 Your testimony did cover a lot of  10 our -- the comments that we had.  11 <b>JON BARNHART:</b> Great. Sure. Ill  12 --  13 Just real quickly on the utilities,  14 there -- there's been a bunch of utility  15 research done since this initial submission.  16 And the utilities, at -- at this point, are all  17 gonna be from within the exist -- coming from  18 the existing building. So that we -- we don't  19 anticipate having to go out to the public  20 right-of-way for any new utilities requiring  21 any restoration or things of that nature out --  22 out in the -- in the public right-of-way.  23 <b>KATHRYN COMFORTH:</b> Okay.  24 <b>LANCE LANDGRAF:</b> Okay. Thanks,  25 Kathryn.</p>	<p style="text-align: right;">61</p> <p>1 site whatsoever. So, I think you could also  2 rely on the (c.)(1) part of the statute, which  3 is a hardship. Lawful pre-existing structures  4 render inappropriate hardship.  5 So, I think, you know, obviously,  6 when you balance that against the goals of the  7 Tourism District, as we asked you to do in our  8 review letter, you're sort of hamstrung to make  9 any improvements where you have a site that's  10 existing nonconforming.  11 So, I think, certainly, at least for  12 the lot coverage, the (c.)(1) and (c.)(2)  13 portion of the statute is appropriate.  14 The section of the statute that you  15 were talking about with respect to the free  16 flow of traffic is criteria H of the land use  17 law.  18 And I also think that you could rely  19 on criteria M here, which talks about an  20 efficient use of the land.  21 When we are, you know, in the city  22 and we have the -- the sites on the boardwalk  23 and we're trying to redevelop them in  24 accordance with the purposes of the Tourism  25 District, you know, we deal with these sites</p>



<p style="text-align: right;">62</p> <p>1 that are existing.</p> <p>2 So, I just wanted to make sure the</p> <p>3 record was clear that, as far as your ability</p> <p>4 to redevelop this property without variance</p> <p>5 relief due to the existing coverage, that that</p> <p>6 would be, in my opinion, a (c.)(1).</p> <p>7 <b>JON BARNHART:</b> Thank -- thank you,</p> <p>8 Christine.</p> <p>9 Yeah. And I -- I do agree with you.</p> <p>10 You could definitely apply the (c.)(1) to the</p> <p>11 coverage items.</p> <p>12 <b>CHRISTINE COFONE:</b> At least the</p> <p>13 coverage. Right?</p> <p>14 <b>JON BARNHART:</b> Yeah.</p> <p>15 <b>CHRISTINE COFONE:</b> Maybe not the</p> <p>16 signs, because you can always conform. It's</p> <p>17 hard to say that that's a hardship.</p> <p>18 I think you -- you did a great job</p> <p>19 outlining the (c.)(2) statutory criteria. I</p> <p>20 think there certainly can to the extent it</p> <p>21 exists on the property and other sites, but I</p> <p>22 --</p> <p>23 You know, so, I think the testimony</p> <p>24 is complete and comprehensive.</p> <p>25 I just wanted the record to be very</p>	<p style="text-align: right;">64</p> <p>1 lot of people on this -- on this Zoom meeting</p> <p>2 that have attended the former use there, and</p> <p>3 we're looking forward to seeing it improved. I</p> <p>4 -- I will say that.</p> <p>5 With that, I will open it up to the</p> <p>6 public.</p> <p>7 If anyone is on the zoom meeting</p> <p>8 that wishes to comment or ask any questions,</p> <p>9 please make it known by raising your hand in</p> <p>10 the Zoom app and Liza will let you in to ask</p> <p>11 any questions or make any comments.</p> <p>12 Is anything popping up, Liza?</p> <p>13 <b>LIZA BARRICK:</b> No one has raised</p> <p>14 their hands.</p> <p>15 <b>LANCE LANDGRAF:</b> Okay. With that,</p> <p>16 we'll close the public portion of the meeting.</p> <p>17 If there is nothing else from the</p> <p>18 CRDA, we will close the testimony, if there's</p> <p>19 nothing else.</p> <p>20 Mr. Talvacchia, do you have any</p> <p>21 closing comments?</p> <p>22 <b>NICHOLAS TALVACCHIA:</b> Very briefly.</p> <p>23 Just to follow up with what Cristine</p> <p>24 said about the site being existing and it make</p> <p>25 -- it creates a hardship.</p>
<p style="text-align: right;">63</p> <p>1 clear that, as the site sits today, it's</p> <p>2 currently in a nonconforming situation. You're</p> <p>3 just --</p> <p>4 I think it's the textbook definition</p> <p>5 of de minimis with your .5 percent increase in</p> <p>6 coverage.</p> <p>7 <b>JON BARNHART:</b> Thank you.</p> <p>8 <b>CHRISTINE COFONE:</b> You're welcome.</p> <p>9 Thank you for your testimony.</p> <p>10 <b>LANCE LANDGRAF:</b> Thanks, Christine.</p> <p>11 With that, anything from our guys?</p> <p>12 Scott, do you have anything else</p> <p>13 that you need to comment on?</p> <p>14 <b>SCOTT COLLINS:</b> Nothing for me.</p> <p>15 <b>LANCE LANDGRAF:</b> Okay. Jane, are</p> <p>16 you all right?</p> <p>17 <b>JANE FONTANA:</b> I am good. Thank</p> <p>18 you.</p> <p>19 <b>LANCE LANDGRAF:</b> Okay. Rob? Do you</p> <p>20 have any comments, questions?</p> <p>21 <b>ROBERT REID:</b> No -- no comment. I</p> <p>22 think it's a great project.</p> <p>23 <b>LANCE LANDGRAF:</b> Okay. Mr. Monty,</p> <p>24 you have some big shoes to fill there in that</p> <p>25 courtyard. I will tell you that. There are a</p>	<p style="text-align: right;">65</p> <p>1 The Dennis Hotel goes back to the</p> <p>2 late 1800s in various forms, early 1900s. That</p> <p>3 structure's been there over a hundred years.</p> <p>4 So, it was not --</p> <p>5 It was designed and built long</p> <p>6 before there was any zoning. It was built</p> <p>7 right to the property lines.</p> <p>8 And if you want to do anything to</p> <p>9 that site, you really would need some variance</p> <p>10 relief. But, so --</p> <p>11 Good -- good point, Christine.</p> <p>12 Thank you.</p> <p>13 That concludes our presentation.</p> <p>14 Thank you for your time and</p> <p>15 attention. And we look forward to implementing</p> <p>16 this project, assuming the board approves it.</p> <p>17 <b>LANCE LANDGRAF:</b> Thank you, all.</p> <p>18 Good presentation. Right to the point.</p> <p>19 I think it -- it's -- it's a new</p> <p>20 improvement to the property and -- and -- and</p> <p>21 it will be an asset to the boardwalk frontage.</p> <p>22 <b>NICHOLAS TALVACCHIA:</b> Thank you.</p> <p>23 <b>LANCE LANDGRAF:</b> With that, we'll</p> <p>24 close the testimony on this matter.</p> <p>25 Nick, as I told you, we will look to</p>

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1 get this on the January 18th so you guys can  
 2 keep moving this project forward.  
 3 **NICHOLAS TALVACCHIA:** Thank you.  
 4 **LANCE LANDGRAF:** That puts a little  
 5 pressure on Scott. I can see him looking at  
 6 his calendar right there.  
 7 **NICHOLAS TALVACCHIA:** No pressure.  
 8 **SCOTT COLLINS:** We're getting it  
 9 done. We'll get it done.  
 10 **NICHOLAS TALVACCHIA:** Right.  
 11 Thank you very much. We appreciate  
 12 it. That will help us to start this and get it  
 13 open for the summer season.  
 14 **LANCE LANDGRAF:** Thanks, guys.  
 15 **CHRISTINE COFONE:** He's almost 50.  
 16 Don't put too pressure -- much pressure on him  
 17 now. We don't want him to --  
 18 He's almost 50.  
 19 **LANCE LANDGRAF:** Nice.  
 20 **CHRISTINE COFONE:** Take it easy.  
 21 **LANCE LANDGRAF:** I don't see any  
 22 gray hairs yet.  
 23  
 24 (This public hearing concluded at  
 25 11:58 a.m.)

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