

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

APPLICATION NUMBER: 2014-09-1212

SEEKING CERTIFICATE OF NON-CONFORMITY
FOR A TWO-STORY SINGLE-FAMILY DWELLING
BLOCK 280, LOT 28
2314 Ruffu Terrace, Atlantic City, NJ

Thursday - December 4, 2014

Public hearing in the

1 above-referenced matter, taken at the CASINO
2 REINVESTMENT DEVELOPMENT AUTHORITY, 15 South
3 Pennsylvania Avenue, Atlantic City, New Jersey,
4 before Karen A. Haworth, a New Jersey Certified
5 Court Reporter (CCR), nationally certified
6 Registered Professional Reporter (RPR),
7 nationally certified Certificate of Merit holder
8 (CM), nationally certified Certified Realtime
9 Reporter (CRR), a Delaware Certified Shorthand
10 Reporter (CSR), nationally certified Certified
11 LiveNote™ Reporter (CLR), and Notary Public of
12 the State of New Jersey, on the above date,
13 commencing at 10:01 a.m., there being present:

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17 APPEARANCES:

18 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

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20 LANCE LANDGRAF
21 Chairman

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23 ROBERT REID
24 Land Use Enforcement Officer

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C S R ASSOCIATES - Certified Shorthand Reporters

1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2 SCOTT G. COLLINS, ESQUIRE
3 Riker, Danzig, Scherer, Hyland & Perretti

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5 J. TIMOTHY KERNAN
6 Kernan Consulting Engineers Associates

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1 COUNSEL FOR THE APPLICANT:

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3 BRIAN J. CALLAGHAN, ESQUIRE
4 Callaghan, Thompson & Thompson, Esquires

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WITNESS(ES)

PAGE NO.

Opening Statement

By: Lance Landgraf

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Counsel for the Applicant

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Closing Statement

By: Lance Landgraf

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EXHIBITS MARKED AND/OR REFERRED TO:

NONE

1 (Time noted: 10:01 a.m.)

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3 LANCE LANDGRAF: I call to order
4 the December 4th, 2014 Land Use Regulation and
5 Enforcement Division hearing.

6 Join me in the Pledge of
7 Allegiance.

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

11

12 LANCE LANDGRAF: Thank you.

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

16 We have one item on our agenda
17 today. It's application number 2014-09-1212.
18 Zakir Hossain. It's at 2314 Ruffu Terrace.
19 It's in the NC-2 District, Neighborhood
20 Commercial Zone, Block 280, Lot 28. And they're
21 seeking a Certificate of Non-Conformity for a
22 two-story single-family dwelling.

23 It looks like, Mr. Callaghan,
24 you're here.

25 BRIAN CALLAGHAN: Good morning.

1 Brian Callaghan, of the law firm Callaghan,
2 Thompson & Thompson, on behalf of Zakir Hossain.

3 It is the property known as 2314
4 Ruffu Terrace. The property is located between
5 Mississippi and Georgia, between Atlantic and
6 Arctic. It's a little terrace that tucks in.
7 It has about six or seven single-family homes in
8 it.

9 We're here before you today because
10 Mr. Hossain went down to get a CO from the City
11 of Atlantic City, and, in coordination with you,
12 the City of Atlantic City now requires a land
13 use.

14 He went upstairs to the Land Use
15 Department. The Land Use Department then said
16 he was in the Tourism District and sent him to
17 here.

18 Land use was denied because
19 single-family homes are no longer permitted in
20 the NC District.

21 Our test year is 1979 only because,
22 in 2008, you changed the zone from the R-3, but
23 in '79, the R-3 permitted the single-family, but
24 you had to have parking. We didn't have parking
25 on site.

1 So, the test year is still,
2 technically, 1979, even though single-family has
3 always been permitted there up to 2008, when you
4 changed it to the NC.

5 We provided you with the '61
6 property record card, the '81 property record
7 card, the '82 property record card. We provided
8 you with a landlord registration statement, all
9 showing single-family.

10 If anybody has been to the site,
11 it's been -- it was built as a single-family.
12 They're all single-family tucked in there on the
13 terrace.

14 So, we would ask that the
15 Certificate of Non-Conformity be granted.

16 LANCE LANDGRAF: If I could step
17 one back real quick.

18 ROBERT REID: Yes.

19 LANCE LANDGRAF: Could we confirm
20 with Rob that proper notice has been given on
21 this issue?

22 ROBERT REID: Yes. I've reviewed
23 the proof of service and it appears to be
24 adequate. We have jurisdiction.

25 LANCE LANDGRAF: Great. Thank you.

1 ROBERT REID: Mmm-hmm.

2 LANCE LANDGRAF: The question, I
3 guess, that arises, there's no variance needed,
4 then, because you didn't have parking back then
5 to give it a Certificate of Non-Conformity now.

6 TIMOTHY KERNAN: I don't believe
7 so.

8 LANCE LANDGRAF: Okay.

9 TIMOTHY KERNAN: I think you're
10 just establishing that it was lawfully existing
11 prior to '79.

12 LANCE LANDGRAF: Okay.

13 BRIAN CALLAGHAN: Right. Correct.

14 LANCE LANDGRAF: Okay. So, Tim,
15 why don't you go through your brief report?

16 TIMOTHY KERNAN: Mr. Callaghan just
17 summarized everything that I reviewed.

18 And, you know, the fact that you
19 got the certificate from the city Planning
20 Division is great. Because that really does all
21 the heavy lifting.

22 BRIAN CALLAGHAN: Yes.

23 TIMOTHY KERNAN: So, I believe that
24 everything they've submitted has established the
25 basis for the granting of a Certificate of

1 Non-Conformity.

2 LANCE LANDGRAF: Okay. Then that
3 makes this pretty easy.

4 Do you have anything, Scott?

5 SCOTT COLLINS: No.

6 LANCE LANDGRAF: I think we're good
7 to go. All right.

8 BRIAN CALLAGHAN: Very good.

9 LANCE LANDGRAF: Thank you,
10 Mr. Callaghan.

11 We'll get a hearing officer report
12 done for you prior to our next meeting -- prior
13 to our next board meeting --

14 BRIAN CALLAGHAN: Very good.

15 LANCE LANDGRAF: -- and we'll get
16 that on the agenda.

17 BRIAN CALLAGHAN: Great. Thank you
18 once again.

19 LANCE LANDGRAF: Thank you.

20 ROBERT REID: Thank you.

21 LANCE LANDGRAF: With that --
22 there's no other public comment -- we'll close
23 the hearing today.

24 Thank you.

25 BRIAN CALLAGHAN: Thank you once

1 again.

2 LANCE LANDGRAF: Thank you, guys.

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4 (This public hearing concluded at
5 10:04 a.m.)

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