

CASINO REINVESTMENT DEVELOPMENT AUTHORITY
LAND USE REGULATION AND ENFORCEMENT DIVISION
PUBLIC HEARING

RE: DAVID W. KARPUS - 2015-01-1338

Thursday-April 2, 2015

CASINO REINVESTMENT DEVELOPMENT AUTHORITY
PUBLIC HEARING, taken in the offices of CASINO
REINVESTMENT DEVELOPMENT AUTHORITY, 15 South
Pennsylvania Avenue, Atlantic City, New Jersey, before
Karen Winkler, a Certified Court Reporter of the State
of New Jersey, on the above date, commencing at 10:00
a.m., there being present:

CSR ASSOCIATES - Certified Court Reporters

1 APPEARANCES :

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LANCE B. LANDGRAF JR.,

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Hearing Officer

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RYKER, DANZIG, SCHERER, HYLAND
& PERRETTI, LLP

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BY: SCOTT G. COLLINS, ESQUIRE
Attorney for CRDA

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ROBERT REID,

Land Use Regulation and Enforcement
Officer

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J. TIMOTHY KERNAN, P.E., P.P., C.M.E.,
J. TIMOTHY KERNAN, INC.

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1 MR. LANDGRAF: Good morning. I'd like
2 to call to order the April 2nd CRDA Land Use
3 Regulation Enforcement Division Hearing.

4 Would you please rise to join me in the
5 Pledge of Allegiance?

6 (At this time the Pledge of Allegiance
7 is being recited.)

8 MR. LANDGRAF: Thank you. This hearing
9 has been noticed in accordance with the Senator
10 Byron M. Baer Open Public Meetings Act. We have one
11 change to our agenda today. The application number
12 2015-01-1334, the Magdy Atallah CNC, certificate of
13 nonconformity, application has been postponed until
14 the May 7th meeting at 10 a.m. If you're a resident
15 here for that, you will not receive additional
16 notice. You have received your notice for today.

17 There is a question on the notice with
18 regard to the utility companies. They will be
19 renoticed and it will be in the paper again. So if
20 you're here on the Magdy Atallah application, that
21 will not be heard today. It will be heard on May
22 7th.

23 The next item on the agenda is the David
24 Karpus certificate of nonconformity, application
25 number 2015-01-1338. After that we'll hear the JTD

1 Realty Group, Incorporated preliminary and final site
2 plan application.

3 The first item on the agenda is the
4 Karpus certificate of nonconformity. Request for
5 certification that the use predated the current
6 zoning. It's a current single-family dwelling which
7 is not a permitted use in the RS-C zone, resort
8 casino district. That zone changed, I believe, in
9 1979, is that correct?

10 MR. REID: Uh-huh. That is correct.

11 MR. LANDGRAF: Mr. Callaghan?

12 MR. CALLAGHAN: Brian Callaghan on
13 behalf of David W. Karpus. This is a property at
14 2403 Aliantro Terrace, block 164, lot 45. It's an
15 alleyway between Florida and Georgia and between
16 Atlantic and Pacific. We're seeking a certificate
17 of nonconformity. The test year is 1979.

18 Documentation that we've provided is '61 Polk
19 Directory cards showing one, '65 Polk Directory
20 cards showing one. Mr. Reid in his report also went
21 back and pulled out his 1952 Sanborn that showed
22 that the property was existed as a single family.

23 I brought with me today my 1938 Atlas
24 which Mr. Reid and Mr. Landgraf had an opportunity
25 beforehand to look at, once again, showing that that

1 area was fully developed. It's in a little alleyway.
2 There's about eight to 10 single-family homes tucked
3 into that alleyway. They continue to be in
4 existence. Mr. Karpus purchased the home and has
5 continued to reside there. I don't have any further
6 evidence, other than all of those that we've turned
7 in and rely upon.

8 MR. LANDGRAF: Okay. For the record, I
9 did have a chance to look at that 1938 Atlas and it
10 did indicate that there was residential development
11 in that area and on this parcel.

12 Rob, Mr. Reid, why don't you go through
13 briefly your analysis. This is a little bit
14 different. We've amended how we handle certificates
15 of nonconformity now. Where we in the past required
16 a significant escrow from applicants, we've amended
17 that. The board amended that last month. We now
18 review them in-house and Mr. Reid will be preparing
19 future reviews of these certificates nonconformity to
20 move this process along. Less expensive and a little
21 bit faster we hope.

22 MR. CALLAGHAN: Greatly appreciated by
23 the clients.

24 MR. LANDGRAF: I'm sure. Rob, if you
25 can go through your report.

1 MR. REID: I guess first with
2 housekeeping, I've reviewed the notice -- the proof
3 of notice that was provided and it's adequate and we
4 have jurisdiction to hear this. And I will refer to
5 a review memorandum that I prepared on March 17th.

6 MR. COLLINS: Because of our new
7 process, we've never done this before. I just
8 wanted to swear you in before you begin.

9
10 ROBERT REID, having been duly sworn.

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12 MR. COLLINS: Thank you.

13 MR. REID: Referring to my March 17th
14 memorandum, the applicant's attorney has accurately
15 described the project. This is a dwelling that
16 existed not only in my personal knowledge of that
17 building being there. There is more than adequate
18 public record that shows that this was a
19 single-family home before 1979. I have addressed
20 that in this memorandum. I won't read it in detail,
21 but I do describe the evidence list that was
22 provided by the applicant's attorney and also
23 documentation that I have on file regarding this
24 property. In my memorandum I'm suggesting that the
25 evidence be presented to this board for

1 consideration for the approval that will be passed
2 on -- the recommendation for approval will be passed
3 on to the CRDA board. That's all I have.

4 MR. LANDGRAF: Brian, do you have
5 anything else?

6 MR. CALLAGHAN: One question going into
7 the future. Generally when we did these
8 certificates of nonconformity in the past, we would
9 send a letter to the city of Atlantic City asking
10 for a test year determination and based on that test
11 year determination either the application was made
12 to your offices or back to the city of Atlantic
13 City. If we're now doing certificates of
14 nonconformity in the tourism district, should those
15 requests for test years come right now to Mr. Reid?

16 MR. LANDGRAF: I would think so, yes.

17 MR. CALLAGHAN: Okay. Other than that,
18 we don't have anything further. I have Mr. Karpus
19 here in the event that you have any questions of
20 him.

21 MR. LANDGRAF: Okay. Scott, do you
22 have anything?

23 MR. COLLINS: I have nothing further.

24 MR. LANDGRAF: We'll open this meeting
25 up to the public for public comment. If you're

1 interested in this application, please step forward
2 and be sworn, make your statements.

3 Seeing none, we'll close the public
4 portion.

5 Again, nothing else back from our
6 consideration. We'll close the hearing on this and
7 we'll get it on the next agenda for our board
8 meeting.

9 MR. CALLAGHAN: Thank you very much.

10 MR. LANDGRAF: Thanks, Brian.

11 (The hearing was concluded at 10:02
12 a.m.)

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DATE: April 2, 2015

SIGN IN SHEET

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