

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

GAZI CHOWDURY

SEEKING BULK VARIANCES TO ALLOW A

SINGLE-FAMILY DWELLING

BLOCK 337, LOT 54

2322 Siracusa Terrace, Atlantic City, NJ

Thursday - May 5, 2016

Public hearing in the
above-referenced matter, taken at the CASINO



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1 REINVESTMENT DEVELOPMENT AUTHORITY, 15 South
2 Pennsylvania Avenue, Atlantic City, New Jersey,
3 before Karen A. Haworth, a New Jersey Certified
4 Court Reporter (CCR), nationally certified
5 Registered Professional Reporter (RPR),
6 nationally certified Certificate of Merit holder
7 (CM), nationally certified Certified Realtime
8 Reporter (CRR), a Delaware Certified Shorthand
9 Reporter (CSR), nationally certified Certified
10 LiveNote™ Reporter (CLR), and Notary Public of
11 the State of New Jersey, on the above date,
12 commencing at 10:06 a.m., there being present:
13
14
15

16 APPEARANCES:

17 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

18

19 LANCE B. LANDGRAF, JR.

Chairman

20 Director, Planning Department
21

22

22 ROBERT L. REID

Land Use Enforcement Officer
23
24
25

1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

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3 SCOTT G. COLLINS, ESQUIRE

 Riker, Danzig, Scherer, Hyland & Perretti

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1 COUNSEL FOR THE APPLICANT:

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3 BRIAN J. CALLAGHAN, ESQUIRE

CALLAGHAN, THOMPSON & THOMPSON, P.A.

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I N D E X

WITNESS(ES)	PAGE NO.
RAMI NASSAR, PE, PP, CME	6
Direct Examination	
By: Mr. Callaghan	14

EXHIBITS MARKED AND/OR REFERRED TO:

- A-1
- A-2
- A-3
- B-1

1 (Time noted: 10:06 A.M.)

2

3 LANCE LANDGRAF: And the next item
4 is the Chowdury application for bulk variances
5 for a single-family dwelling.

6 Okay. Mr. Callaghan, this is you
7 again. I see you have a witness. We'll ask
8 Mr. Rami Nassar to be sworn in.

9 And put on your credentials, Rami,
10 because you haven't been here --

11 RAMI NASSAR: Yes.

12 LANCE LANDGRAF: -- since I've been
13 here.

14 RAMI NASSAR: Right.

15 LANCE LANDGRAF: So...

16 SCOTT COLLINS: Yeah. And I'll
17 have to swear you in first.

18

19

20

21 RAMI NASSAR, PE, PP, CME,
22 having been duly sworn in by Scott
23 Collins, Esquire, was examined and
24 testified as follows:

25

1 THE WITNESS: Yes, I do.

2 I'm a licensed professional
3 engineer and licensed professional planner of
4 the state of New Jersey and have been in front
5 of many, many boards, except this is the first
6 time I've been in front of --

7 LANCE LANDGRAF: Right.

8 THE WITNESS: -- this land use
9 board.

10 So...

11 LANCE LANDGRAF: Right.

12 THE WITNESS: And it's a pleasure.
13 It seems like it's an easy board. So...

14 BRIAN CALLAGHAN: Well, we'll see.

15 LANCE LANDGRAF: I would submit
16 that -- Mr. Nassar's qualifications as a
17 licensed engineer and planner in the state of
18 New Jersey. He's an expert in those fields.

19 BRIAN CALLAGHAN: I'll just give
20 you a brief opening.

21 This is a property at 2322 Siracusa
22 Terrace; Block 337, Lot 54.

23 We're in an R-3 zone and the use is
24 permitted.

25 We are here today because we had

1 Sandy storm damage. We demolished the existing
2 single-family and we're building a new
3 single-family.

4 It's one of those applications
5 where you need just about every single variance
6 that's needed because you have a 678 square foot
7 lot when you need 3,000 square feet.

8 If you've been down to Siracusa --

9 In fact, I think Mr. Reid's
10 property list of 200 feet probably gives you a
11 really good colored blowup of how dense the area
12 is and the size of the lots when you take a look
13 at his -- his little blowup map, which we
14 brought along -- which we have. I don't know if
15 Mr. Reid kept it, but, if I may approach --
16 because it really gives a --

17 His little 200 foot circular map,
18 which they put out now, is excellent.

19 LANCE LANDGRAF: I put this out.

20 BRIAN CALLAGHAN: You put that out.

21 Well, it really is excellent
22 because it gives you a little colored rendering
23 blowup and it shows you the -- the density of,
24 you know, the Siracusa Terrace area.

25 LANCE LANDGRAF: We'll mark this

1 as?

2 SCOTT COLLINS: Was that submitted
3 by anyone?

4 LANCE LANDGRAF: I -- this is what
5 I prepare. When they request an owner's list,
6 this is what I send back to them, giving them
7 the location.

8 SCOTT COLLINS: Okay. Let's call
9 that A- --

10 Let's call the application itself
11 A-1.

12 BRIAN CALLAGHAN: A-1.

13 SCOTT COLLINS: And this will be
14 A-2, which is a 200 foot map -- or a map of
15 properties within 200 feet of the subject
16 property.

17 LANCE LANDGRAF: Correct.

18 BRIAN CALLAGHAN: What you see is,
19 technically, we're needing lot area, lot width,
20 front, side, rear, lot coverages.

21 One of the issues that always comes
22 up with an undersized lot, is there land to buy
23 to make you more compatible.

24 In our particular case, the person
25 next door to us had, themselves, some Sandy storm

1 damage.

2 So, I inquired of the RREM program

3 --

4 We're getting money from the state
5 of New Jersey to do this demolition and
6 building.

7 The first step that we have to
8 overcome --

9 Most of the RREM programs are just
10 to lift the property. When you ask for
11 demolition and construction of new, you have to
12 get approval from them.

13 In this case, we were able to get
14 approval from them because our property was
15 already encroaching onto other people's
16 properties. So, we were able to give them a
17 good-enough reason to say that we would be able
18 to not only -- to not just raise it, but, now,
19 to demolish it and rebuild.

20 And that gave us the ability to
21 create, as Mr. Nassar will say, like one and a
22 half foot side yard setbacks rather than sitting
23 on the property line.

24 However, when we said can you give
25 us any money to buy anybody next door, the

1 answer was, emphatically, no, that that wasn't
2 part of the program; to buy additional property
3 to make us less non-conforming. We'd still be
4 non-conforming, but less non-conforming.

5 So, we're here today to seek lot
6 area, lot width, front, rear, side coverages.

7 And I'll now turn to Mr. Nassar and
8 let him walk you through why we think this could
9 be done.

10 And it's one of those cases where
11 we think that we fall into a category of both a
12 c(1) variance for the unique size, shape and
13 topographic conditions that we're facing based
14 on the terrace, and we also think that we fall
15 into the c(2) category and the benefits outweigh
16 the detriments due to the improvements.

17 And Mr. Nassar will go forward.

18 Rami, I turn it over to you.

19 THE WITNESS: All right.

20 BRIAN CALLAGHAN: I also -- just
21 real quick, I brought a blowup aerial that we
22 can mark as A-2. And then just --

23 SCOTT COLLINS: That will be A-3.

24 BRIAN CALLAGHAN: A-3.

25 And then on the -- on the back of

1 the aerial is -- what was submitted is just the
2 -- on the back plan is the elevations of the --
3 of the property, which were part of the
4 application --

5 SCOTT COLLINS: Okay.

6 BRIAN CALLAGHAN: -- submitted by
7 the architect.

8 SCOTT COLLINS: No need to mark
9 that separately.

10 BRIAN CALLAGHAN: Okay.

11 Rami, --

12 THE WITNESS: All right.

13 BRIAN CALLAGHAN: -- go to it.

14 THE WITNESS: The property is in
15 the R-3 zone. It require 3,000 square feet, but
16 the current lot is 647 and a half square feet.

17 It's existing non-conformance.

18 The lot width in the zone should be
19 30 feet. We're only 18 and a half feet. Also,
20 that's an existing non-conformance.

21 Currently, the existing house
22 encroaches onto the front yard setback by .9
23 foot.

24 On the side -- left side yard
25 setback, two feet encroachment. And on the

1 right side, it also encroaches by .9 feet.

2 The existing impervious coverage of
3 the property is a hundred percent at this point.

4 All these are non-conforming.

5 The building height, that's the
6 only conforming thing with this, really,
7 existing house.

8 The new house is actually taking
9 all the encroachments away. It's squaring up
10 the property to create a building that's
11 15 X 32, I believe, and that would sit inside
12 the property, eliminate all the encroachments.

13 But, the proposed front yard
14 setback will be a foot and a half compared to .9
15 encroachment.

16 The rear will be one and a half
17 feet comparing to .7, because nothing is
18 encroaching into the rear of the house.

19 On the left side and right side
20 will be a foot and a half.

21 And the impervious coverage will be
22 brought down to 76.6 percent for the house.

23 And, as Mr. Callaghan stated, the
24 c(1) variance is the narrowness and the shape of
25 this property, three small piece of property and

1 has an existing house. So, that falls in that
2 category.

3 And under the c(2), we look at the
4 land use law, and it says, verbatim: "To secure
5 safety from fire, flood, panic, and other
6 natural and man-made disasters."

7 By raising the house, we are
8 eliminating the danger and the hazard for this
9 house to be affected by any means; superstorm or
10 any other storm that happens in the future.

11 Also, you're taking an old,
12 dilapidated house that does not look really
13 good. Now, you're going to put a brand new
14 house.

15 So, you're creating a little bit
16 better visual environment on the site.

17 That's it.

18

19 DIRECT EXAMINATION

20 BY BRIAN CALLAGHAN:

21 Q. Do you think it's going to have any
22 negative impact on the character of the rest of
23 the neighborhood?

24 A. I think it's going to be -- improve
25 the neighborhood, basically. It's gonna --

1 we're gonna take an old house, put a brand new
2 house. At least it's more conforming to a
3 typical residential house.

4 Q. Any impairment to the zoning plan?
5 We're really, technically, single-family in a
6 single-family neighborhood.

7 A. They used all the same use, what's
8 existing use. And, also, it's allowed use.

9 Q. And it's -- the area is already a
10 dense -- highly-dense neighborhood.

11 A. Extremely dense neighborhood. Yes.
12 There are -- some lots are smaller than ours on
13 this -- in this -- in this area.

14 BRIAN CALLAGHAN: I don't have any
15 other questions of Mr. Nassar.

16 I have -- I have the architect
17 here. We're going --

18 Technically --

19 Well, let me just go back.

20 BY MR. CALLAGHAN:

21 Q. Square footage. We're going to
22 have about 950, 960 square feet?

23 A. Basically, 960 -- approximately 960
24 square feet with a two-story, because the first
25 story will be storage area.

1 Q. It comes out two bedroom, two bath?

2 A. Yes. That's what I saw on the
3 plans. Yes.

4 Q. Fine. So, it's -- we would -- the
5 last line, it's a modest house?

6 A. Very -- very modest house. Yeah.

7 LANCE LANDGRAF: What's the -- and
8 it's probably on the architectural, but the
9 first finished floor, where are we set on that?
10 Hold on.

11 BRIAN CALLAGHAN: Mr. Ghelani, do
12 you have an answer to that question?

13 LANCE LANDGRAF: There it is. It's
14 on the plan.

15 You know what? It looks like
16 elevation 9.4. That's in compliance with the
17 new FEMA --

18 THE WITNESS: It will be above the
19 FEMA --

20 LANCE LANDGRAF: Okay.

21 THE WITNESS: -- at this point.

22 Yes. The first floor will be above
23 FEMA.

24 LANCE LANDGRAF: I wanted to make
25 sure that was on the record.

1 THE WITNESS: Oh. Yeah.

2 LANCE LANDGRAF: All right. That's

3 --

4 ROBERT REID: Yeah. The first
5 floor is 17.4.

6 LANCE LANDGRAF: This elevation is
7 at 9.17.

8 ROBERT REID: And this -- that's a
9 storage.

10 LANCE LANDGRAF: Right. The
11 storage is below there.

12 ROBERT REID: Yeah.

13 LANCE LANDGRAF: So, the finished
14 elevation of the habitable floor is 17.4.

15 BRIAN CALLAGHAN: 17.4.

16 THE WITNESS: Yeah. But,
17 basically, the storage is being used to be able
18 to access the house. So, it will be like a door
19 you getting into --

20 LANCE LANDGRAF: Right.

21 THE WITNESS: -- the house.

22 Otherwise, there is no room to get
23 into the house.

24 LANCE LANDGRAF: Okay. You don't
25 have room for stairs?

1 THE WITNESS: Not outside. No.

2 LANCE LANDGRAF: Right.

3 THE WITNESS: Then you have to cut
4 into the house. Then it becomes, the house,
5 much, much smaller than --

6 ROBERT REID: Storage. You have
7 plenty of storage.

8 THE WITNESS: Plenty of storage.
9 That's it.

10 LANCE LANDGRAF: All right. I'm
11 gonna read into the record at least some
12 excerpts of our planning consultant's letter.
13 She had an obligation today in court that she
14 could not get out of. So...

15 SCOTT COLLINS: Before you start
16 that --

17 Sorry to interrupt you.

18 Let's mark that. This is a letter
19 from Cofone Consulting Group, Christine Cofone,
20 who is the board's planning consultant.

21 The letter is dated April 19th,
22 2016.

23 LANCE LANDGRAF: Okay. That's
24 correct.

25 And this is from what has been

1 marked as B-1.

2 It's a letter written to me from
3 Christine Cofone and her company.

4 It describes the site. It
5 describes the seven variances that are required.
6 Included in that are -- as outlined by
7 Mr. Nassar, is lot area, lot width, front, rear
8 and side yard -- both sides' setback variances.
9 They are listed also as existing non-conforming
10 in her report.

11 She also indicates that these
12 variances -- the bulk relief requested can fall
13 under both the c(1) and the c(2) criteria.

14 And she asked that testimony should
15 be provided relative to -- to the size of the
16 home and the lot relative to size of the homes
17 and lots in the area. We have heard that from
18 the applicant.

19 This is, now, not going from her
20 report; this is from what I've heard from the
21 testimony this morning, from Mr. Nassar, in that
22 the existing home had several encroachments;
23 actually, was two feet over the property line on
24 the left side as you face the property. Those
25 encroachments will be removed.

1 It looks like it also encroached
2 across the front yard lot line, and it came very
3 close to the right side property lines.

4 All of those encroachments will be
5 eliminated with the application.

6 The home is not being significantly
7 expanded on the site. It's going upwards. It's
8 being lifted to meet the criteria under the
9 federal flood elevations that have been set in
10 this area.

11 And I would agree with Mr. Nassar
12 that that is a positive move under the Municipal
13 Land Use Law and does promote the purposes of
14 planning and the purposes of the Municipal Land
15 Use Law as well.

16 There is also a hardship due to the
17 fact -- under the c(1) variance, due to that the
18 site is existing. You can't change that.

19 This is part of the RREM
20 applications for funding to raise these homes
21 and protect homes and property and residents.

22 So, from that aspect, I would agree
23 with the testimony that was provided today.

24 I will -- I would like to hear if
25 there's anyone here from the public. So, I'll

1 open that up at this point.

2 Is anybody here? Nope? Just
3 everybody here watching today?

4 Okay. We'll close the public
5 portion.

6 Rob, do you have anything else?

7 ROBERT REID: Did --

8 For the record, proper notice has
9 been provided for this application. And we have
10 jurisdiction to complete this hearing.

11 LANCE LANDGRAF: Okay. Even though
12 I think we're pretty much done.

13 ROBERT REID: Yeah.

14 LANCE LANDGRAF: Do you have
15 anything?

16 SCOTT COLLINS: Nothing for me, no.

17 LANCE LANDGRAF: All right. With
18 that, again, as you've heard my comments, I do
19 support that this application should be acted
20 favorably upon. And I will prepare a hearing
21 officer report indicating that. And you'll be
22 on the June agenda.

23 BRIAN CALLAGHAN: All right. Thank
24 you very much.

25 LANCE LANDGRAF: All right. Thank

1 you, guys, --

2 ROBERT REID: Thank you.

3 LANCE LANDGRAF: -- and everybody
4 for coming out this morning.

5 Rami.

6 THE WITNESS: See you, guys. Take
7 care.

8 LANCE LANDGRAF: Take care.

9 With that, nothing else from the
10 board today?

11 All right. We'll close the
12 hearing.

13 Our next hearing is June -- oh, May
14 19th. But, right now, there's nothing on that
15 agenda.

16

17 (This public hearing concluded at
18 10:19 A.M.)

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<p style="text-align: center;">A</p> <p>ability 10:20 able 10:13,16,17 17:17 about 8:5 15:22 above 2:11 16:18,22 above-referenced 1:19 access 17:18 across 20:2 acted 21:19 actually 13:8 19:23 additional 11:2 aerial 11:21 12:1 affected 14:9 again 6:7 21:18 agenda 21:22 22:15 agree 20:11,22 ALLOW 1:9 allowed 15:8 along 8:14 already 10:15 15:9 always 9:21 AND/OR 5:9 answer 11:1 16:12 anybody 10:25 21:2 anyone 9:3 20:25 anything 21:6,15 APPEARANCES 2:16 applicant 4:1 19:18 application 6:4 9:10 12:4 20:5 21:9,19 applications 8:4 20:20 approach 8:15 approval 10:12,14 approximately 15:23 April 18:21 architect 12:7 15:16 architectural 16:8 area 8:11,24 9:19 11:6 15:9 15:13,25 19:7,17 20:10 asked 19:14 aspect 20:22 Atlantic 1:12 2:2 AUTHORITY 1:1 2:1,17 Avenue 2:2 away 13:9 A-1 5:10 9:11,12 A-2 5:11 9:14 11:22 A-3 5:12 11:23,24 a.m 2:12 6:1 22:18</p> <hr/> <p style="text-align: center;">B</p> <p>B 2:19 back 9:6 11:25 12:2 15:19 based 11:13 basically 14:25 15:23 17:17 bath 16:1 becomes 18:4 bedroom 16:1</p>	<p>before 2:3 18:15 being 2:12 17:17 20:6,8 believe 13:11 below 17:11 benefits 11:15 better 14:16 bit 14:15 Block 1:11 7:22 blowup 8:11,13,23 11:21 board 3:1 7:9,13 22:10 boards 7:5 board's 18:20 both 11:11 19:8,13 brand 14:13 15:1 BRIAN 4:3 7:14,19 8:20 9:12 9:18 11:20,24 12:6,10,13 14:20 15:14 16:11 17:15 21:23 brief 7:20 brought 8:14 11:21 13:22 building 8:2 10:6 13:5,10 bulk 1:9 6:4 19:12 buy 9:22 10:25 11:2 B-1 5:14 19:1</p> <hr/> <p style="text-align: center;">C</p> <p>call 9:8,10 Callaghan 4:3,3 5:5 6:6 7:14 7:19 8:20 9:12,18 11:20,24 12:6,10,13 13:23 14:20 15:14,20 16:11 17:15 21:23 came 20:2 care 22:7,8 case 9:24 10:13 cases 11:10 CASINO 1:1,19 2:17 category 11:11,15 14:2 CCR 2:4 Certificate 2:6 certified 2:3,4,6,7,7,8,9,9 Chairman 2:19 change 20:18 character 14:22 Chowdury 1:8 6:4 Christine 18:19 19:3 circular 8:17 City 1:12 2:2 close 20:3 21:4 22:11 CLR 2:10 CM 2:7 CME 5:4 6:21 Cofone 18:19,19 19:3 Collins 3:3 6:16,23 9:2,8,13 11:23 12:5,8 18:15 21:16 colored 8:11,22 comes 9:21 16:1 coming 22:4 commencing 2:12</p>	<p>comments 21:18 company 19:3 compared 13:14 comparing 13:17 compatible 9:23 complete 21:10 compliance 16:16 concluded 22:17 conditions 11:13 conforming 13:6 15:2 construction 10:11 consultant 18:20 consultant's 18:12 Consulting 18:19 correct 9:17 18:24 COUNSEL 4:1 court 2:4 18:13 coverage 13:2,21 coverages 9:20 11:6 create 10:21 13:10 creating 14:15 credentials 6:9 criteria 19:13 20:8 CRR 2:8 CSR 2:9 current 12:16 Currently 12:21 cut 18:3 c(1) 11:12 13:24 19:13 20:17 c(2) 11:15 14:3 19:13</p> <hr/> <p style="text-align: center;">D</p> <p>D 5:1 damage 8:1 10:1 danger 14:8 Danzig 3:3 date 2:11 dated 18:21 Delaware 2:8 demolish 10:19 demolished 8:1 demolition 10:5,11 dense 8:11 15:10,11 density 8:23 Department 2:20 describes 19:4,5 detriments 11:16 DEVELOPMENT 1:1 2:1,17 dilapidated 14:12 Direct 5:5 14:19 Director 2:20 disasters 14:6 DIVISION 1:4 done 11:9 21:12 door 9:25 10:25 17:18 down 8:8 13:22 due 11:16 20:16,17 duly 6:22</p>	<p>dwelling 1:10 6:5</p> <hr/> <p style="text-align: center;">E</p> <p>E 5:1 easy 7:13 elevation 16:16 17:6,14 elevations 12:2 20:9 eliminate 13:12 eliminated 20:5 eliminating 14:8 emphatically 11:1 encroached 20:1 encroaches 12:22 13:1 encroaching 10:15 13:18 encroachment 12:25 13:15 encroachments 13:9,12 19:22 19:25 20:4 Enforcement 1:4 2:22 engineer 7:3,17 environment 14:16 Esquire 3:3 4:3 6:23 Even 21:11 every 8:5 everybody 21:3 22:3 Examination 5:5 14:19 examined 6:23 excellent 8:18,21 except 7:5 excerpts 18:12 EXHIBITS 5:9 existing 8:1 12:17,20,21 13:2 13:7 14:1 15:8 19:9,22 20:18 expanded 20:7 expert 7:18 Extremely 15:11</p> <hr/> <p style="text-align: center;">F</p> <p>face 19:24 facing 11:13 fact 8:9 20:17 fall 11:11,14 19:12 falls 14:1 favorably 21:20 federal 20:9 feet 8:7,10 9:15 12:15,16,19 12:19,25 13:1,17 15:22,24 19:23 FEMA 16:17,19,23 fields 7:18 Fine 16:4 finished 16:9 17:13 fire 14:5 first 6:17 7:5 10:7 15:24 16:9 16:22 17:4 flood 14:5 20:9 floor 16:9,22 17:5,14 follows 6:24</p>
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I further certify that I am neither an attorney nor counsel of any of the parties in the subject proceedings, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in the outcome of the subject proceedings.

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