

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

BASHU DEV

SEEKING RELIEF FROM BULK AND AREA REQUIREMENTS TO  
ALLOW THE RECONSTRUCTION OF A SINGLE-FAMILY  
DWELLING DAMAGED BY SUPERSTORM SANDY

BLOCK 338, LOT 9

123 North Georgia Avenue, Atlantic City, NJ

Thursday - October 6, 2016

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Public hearing in the



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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 10:31 A.M., there being present:  
14  
15  
16

17 APPEARANCES:

18 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

19  
20 LANCE B. LANDGRAF, JR.

Chairman

21 Director, Planning Department  
22

23 ROBERT L. REID

Land Use Enforcement Officer  
24  
25

1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2

3 SCOTT G. COLLINS, ESQUIRE

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

4

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6 CHRISTINE NAZZARO COFONE

COFONE CONSULTING GROUP

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WITNESS(ES)

PAGE NO.

ROBERT BOLTON

MARK RODIO

EXHIBITS MARKED AND/OR REFERRED TO:

A-1

B-1

1 (Time noted: 10:31 A.M.)

2

3 LANCE LANDGRAF: Okay. The next  
4 application is that of Bashu Dev. 123 North  
5 Georgia Avenue. Application Number  
6 2016-09-2049. Block 338, Lot 9.

7 Good morning.

8 BASHU DEV: Good morning. My name  
9 is Bashu Dev. 123 North Georgia Avenue. Block  
10 338, Lot 9.

11 Mr. Robert, who will represent for  
12 my situation.

13 Thank you.

14 LANCE LANDGRAF: Okay. For the  
15 record, this site's an R-3 single-family  
16 attached residential district. It permits  
17 townhomes, two-family and attached single-family  
18 dwellings and single-family detached dwellings.

19 This application is for carrying  
20 bulk requirements to allow the reconstruction of  
21 a single-family dwelling damaged by  
22 Superstorm Sandy.

23 So, please.

24 ROBERT BOLTON: Yes. Good morning.

25 I --

1                   LANCE LANDGRAF: Why don't you guys  
2 both get sworn in?

3                   SCOTT COLLINS: Do you swear that  
4 the testimony that you give before this board  
5 will be the truth, the whole truth and nothing  
6 but the truth?

7                   ROBERT BOLTON: I do.

8                   BASHU DEV: I do.

9                   SCOTT COLLINS: Thank you.

10                  LANCE LANDGRAF: And, Rob, we're  
11 good on notice?

12                  ROBERT REID: Yes. For the record,  
13 notice is -- has been provided and we have  
14 jurisdiction to hear the application.

15                  LANCE LANDGRAF: Please proceed.

16                  ROBERT BOLTON: Yes. My name is  
17 Robert Bolton. I'm the architect for the  
18 project.

19                  LANCE LANDGRAF: Okay.

20                  ROBERT BOLTON: It sure has a  
21 strange background. And it went all through  
22 Atlantic City's Building Department and zoning  
23 and was ready for a zoning change, and then they  
24 realized that it was under your jurisdiction  
25 rather than theirs. So, that's why we are here.

1 LANCE LANDGRAF: Okay.

2 ROBERT BOLTON: In the meantime,  
3 I've been in and out of the hospital and  
4 Mr. Rodio, the builder, has been working with  
5 Mr. Reid and others to go over all of our  
6 requirements --

7 LANCE LANDGRAF: Okay.

8 ROBERT BOLTON: -- and things so we  
9 get everything cleared up.

10 This is the first chance I've had  
11 to meet any of you and now I'm back and,  
12 hopefully, back to work.

13 LANCE LANDGRAF: All right. Good.

14 ROBERT BOLTON: I'm here to answer  
15 any questions you have.

16 Basically, what we're doing is  
17 taking an existing twin single-family home and  
18 replacing it with a new one, meeting all the new  
19 flood requirements.

20 UNIDENTIFIED MALE SPEAKER FROM THE  
21 AUDIENCE: It's a single.

22 ROBERT BOLTON: Yes.

23 UNIDENTIFIED MALE SPEAKER FROM THE  
24 AUDIENCE: Single-family house.

25 LANCE LANDGRAF: It's a

1 single-family home. It's not a twin.

2 ROBERT BOLTON: Yes. Single. I'm  
3 sorry.

4 Meeting all the requirements of  
5 Sandy and new BFEs and everything else.

6 And, basically, to -- to take  
7 exactly the footprint that was there and replace  
8 it with a new footprint and a new home and all  
9 new mechanical, plumbing and everything else.

10 That's, basically, all that we're  
11 doing. So that most of the variances are things  
12 that existed because the site is there, the  
13 house is there and the -- and the numbers don't  
14 -- you know, they're -- they're non-conforming  
15 existing things.

16 We're not changing anything or  
17 asking for any increase in our bulk variances or  
18 whatever.

19 We also are a foot and a half below  
20 the 35-foot height requirement. We're at 33'6.

21 And our house -- this is the third  
22 one we've done on the street. We're, basically,  
23 making -- making the houses fit what is there  
24 and has as least impact as possible, even though  
25 they're, you know, slightly higher than what's



1       there.

2                       Now, if you have any other  
3       questions, I'm here to answer them.

4                       LANCE LANDGRAF:   Okay.  I'm going  
5       to do this a little differently because I'm  
6       going to ask Christine to jump into her report.

7                       CHRISTINE COFONE:  Sure.  Yes.

8                       LANCE LANDGRAF:  That will help a  
9       little bit.

10                      CHRISTINE COFONE:  Thank you for  
11       your report.

12                      I do have a couple of questions.  
13                      Can you clarify the lot coverage  
14       that you're proposing?  The percent -- the lot  
15       coverage.  Is it 59 percent or is it 65 percent?

16                      ROBERT BOLTON:  It's 59 percent.

17                      CHRISTINE COFONE:  It's 59.

18                      ROBERT BOLTON:  Yes.

19                      CHRISTINE COFONE:  Okay.

20                      LANCE LANDGRAF:  And that's the  
21       same as what's existing?

22                      CHRISTINE COFONE:  That's what's  
23       indicated as existing.  Yes.

24                      ROBERT BOLTON:  Yes.

25                      CHRISTINE COFONE:  Okay.  That's --

1     okay. That's the building coverage.

2                     And then the total lot coverage,  
3     though, is -- you have that at -- existing site  
4     coverage is 59 percent and then proposed is 65  
5     percent.

6                     ROBERT BOLTON: Yes. That was with  
7     the --

8                     There's a stairway that was added  
9     in the front to get up to the porch.

10                    CHRISTINE COFONE: Right.

11                    ROBERT BOLTON: And I -- and I put  
12     that on this coverage, because that doesn't  
13     exist.

14                    CHRISTINE COFONE: Okay. So, that  
15     was the additional.

16                    ROBERT BOLTON: That would be the  
17     additional.

18                    CHRISTINE COFONE: My understanding  
19     was you were redoing the dwelling in the exact  
20     footprint of the prior dwelling. So, I just  
21     wanted some testimony on the record --

22                    ROBERT BOLTON: Yes.

23                    CHRISTINE COFONE: -- as to why the  
24     site coverage, per your zoning table and your  
25     plan, was going from 59 to 65.

1 ROBERT BOLTON: Yeah. That was --

2 CHRISTINE COFONE: So, for the  
3 record, it's to accommodate the stairwell.

4 ROBERT BOLTON: The stairway and  
5 the little -- the little porch area in front.

6 CHRISTINE COFONE: It is -- it is  
7 not an increase in habitable floor area --

8 ROBERT BOLTON: No.

9 CHRISTINE COFONE: -- in the  
10 dwelling.

11 ROBERT BOLTON: It's not increasing  
12 the areas at all.

13 CHRISTINE COFONE: Okay. That was  
14 my one question.

15 And then parking. What --

16 I had a question on parking. How  
17 many -- how much off-street parking are you  
18 going to be able to provide?

19 ROBERT BOLTON: Unfortunately, they  
20 have a parking spot out front at the curb and  
21 it's -- that's it.

22 CHRISTINE COFONE: Okay. So, there  
23 was no parking --

24 ROBERT BOLTON: No. There was no  
25 parking on the lot --

1 CHRISTINE COFONE: -- on the lot  
2 previously.

3 ROBERT BOLTON: -- and we're not  
4 changing anything.

5 CHRISTINE COFONE: Okay. I guess  
6 --

7 And then my last question was the  
8 fence that you're proposing. You're proposing a  
9 fence. It appears to require a variance.

10 ROBERT BOLTON: Is that because of  
11 the height?

12 CHRISTINE COFONE: Yes.

13 Are you not proposing the fence?

14 UNIDENTIFIED MALE SPEAKER FROM THE  
15 AUDIENCE: No, no. The fence was existing in  
16 the back -- in the rear and it was existing in  
17 the front.

18 LANCE LANDGRAF: You need to be  
19 sworn in.

20 UNIDENTIFIED MALE SPEAKER FROM THE  
21 AUDIENCE: I'm sorry. I'm sorry.

22 SCOTT COLLINS: Could you state  
23 your name for the record, please?

24 UNIDENTIFIED MALE SPEAKER FROM THE  
25 AUDIENCE: Mark Rodio.

1                   SCOTT COLLINS: Do you swear to  
2 tell the truth, the whole truth and nothing but  
3 the truth in your testimony?

4                   MALE SPEAKER FROM THE AUDIENCE

5 (MARK RODIO): Yes, I do. Yeah.

6                   SCOTT COLLINS: Thank you.

7                   ROBERT BOLTON: We snuck him in on  
8 you.

9                   MALE SPEAKER FROM THE AUDIENCE

10 (MARK RODIO): I'm sorry about that.

11                   SCOTT COLLINS: I was writing. I  
12 missed it.

13                   MALE SPEAKER FROM THE AUDIENCE

14 (MARK RODIO): The fence was existing in the --  
15 in the rear and in the front. We removed the  
16 fence in the rear, temporarily. We'll have to  
17 demolish the home and -- but, the fence will go  
18 right back up.

19                   CHRISTINE COFONE: Okay.  
20 Understood.

21                   MALE SPEAKER FROM THE AUDIENCE

22 (MARK RODIO): Okay. And the entrance --

23                   And we have two --

24                   CHRISTINE COFONE: Is it going to  
25 be a new fence or --

1 MALE SPEAKER FROM THE AUDIENCE

2 (MARK RODIO): Yeah. We'll have to put a new  
3 fence in, --

4 CHRISTINE COFONE: Okay.

5 MALE SPEAKER FROM THE AUDIENCE

6 (MARK RODIO): -- okay, because it's --

7 ROBERT BOLTON: We couldn't save  
8 it.

9 MALE SPEAKER FROM THE AUDIENCE

10 (MARK RODIO): We couldn't save it.

11 CHRISTINE COFONE: You couldn't  
12 save it. Right.

13 MALE SPEAKER FROM THE AUDIENCE

14 (MARK RODIO): It stretched.

15 CHRISTINE COFONE: So, you're not  
16 going to put back the same fence that you took  
17 down?

18 MALE SPEAKER FROM THE AUDIENCE

19 (MARK RODIO): No.

20 CHRISTINE COFONE: You're going to  
21 put up a nice, --

22 MALE SPEAKER FROM THE AUDIENCE

23 (MARK RODIO): Similar -- similar type.

24 CHRISTINE COFONE: -- attractive --

25 MALE SPEAKER FROM THE AUDIENCE

1 (MARK RODIO): Yeah.

2 CHRISTINE COFONE: -- new fence  
3 that will match, you know, the character of the  
4 home?

5 MALE SPEAKER FROM THE AUDIENCE

6 (MARK RODIO): Probably --

7 Yeah. Because there's cyclone  
8 fence in the entire area.

9 CHRISTINE COFONE: Okay.

10 MALE SPEAKER FROM THE AUDIENCE

11 (MARK RODIO): Okay?

12 And there will be a gate in the  
13 back and a gate in the front.

14 CHRISTINE COFONE: And then as far  
15 as landscaping, have you considered the --

16 MALE SPEAKER FROM THE AUDIENCE

17 (MARK RODIO): Well, it was all concrete,  
18 existing.

19 CHRISTINE COFONE: Okay. So,  
20 there's no opportunity to do any landscaping.

21 MALE SPEAKER FROM THE AUDIENCE

22 (MARK RODIO): It was all concrete.

23 ROBERT BOLTON: Yeah. The one --  
24 the one thing that helps us, where we have the  
25 stairway going up to our little porch area, they

1 could put something in the way of planters or  
2 something on a -- on a railing, at least, get a  
3 little bit of --

4 CHRISTINE COFONE: I would  
5 recommend they do that.

6 ROBERT BOLTON: -- climbing plants  
7 or something, you know, to dress it up a little  
8 bit.

9 And I'm sure they will.

10 CHRISTINE COFONE: Okay. No.  
11 Those are my questions. Thank you for answering  
12 them.

13 ROBERT BOLTON: Excuse me for  
14 sitting down. I just have a bad knee.

15 CHRISTINE COFONE: Oh. Not at all.

16 LANCE LANDGRAF: The --  
17 My understanding of why this had to  
18 come here -- because, typically, you could --  
19 you can rebuild on the same location. But,  
20 you're going higher than the minimum --

21 ROBERT BOLTON: Yes.

22 LANCE LANDGRAF: -- of the -- to  
23 get a little bit higher above the base flood  
24 elevation.

25 ROBERT BOLTON: Yes. We wanted to



1 keep a seven-foot clear height in the  
2 crawlspace, so at least if you --

3 I mean, you can't use it for living  
4 area, --

5 LANCE LANDGRAF: Right.

6 ROBERT BOLTON: -- but at least for  
7 storage or whatever.

8 You can walk without whacking your  
9 head on the top of the thing.

10 LANCE LANDGRAF: Gotcha.

11 ROBERT BOLTON: It didn't make any  
12 sense not to just do it right.

13 LANCE LANDGRAF: Because if I --  
14 From --

15 My understanding is that if you  
16 were putting it back in the same location, you  
17 didn't need any -- you wouldn't even need to  
18 come here. You'd go get a building permit.

19 ROBERT BOLTON: Exactly.

20 LANCE LANDGRAF: Okay.

21 ROBERT BOLTON: Exactly.

22 LANCE LANDGRAF: So, this is,  
23 really, just a matter of providing a -- a --  
24 first of all, meeting the criteria under the  
25 FEMA flood elevations.

1 ROBERT BOLTON: Yes.

2 LANCE LANDGRAF: And making, at  
3 least, storage usable space --

4 ROBERT BOLTON: Yes.

5 LANCE LANDGRAF: -- on that -- on  
6 that first floor.

7 You didn't call it a first floor.

8 ROBERT BOLTON: Mmm-hmm.

9 LANCE LANDGRAF: The storage area.  
10 So, Christina, do you think we're  
11 good with --

12 CHRISTINE COFONE: I do, yes.

13 LANCE LANDGRAF: -- testimony on  
14 this?

15 CHRISTINE COFONE: I think that,  
16 certainly, that a -- the bulk variance relief  
17 can be granted.

18 The appropriate population density,  
19 there was always a dwelling on this property.

20 LANCE LANDGRAF: Right.

21 CHRISTINE COFONE: So, I think that  
22 it's certainly an appropriate intensity.

23 I also think that criteria I of the  
24 land use law, a desirable visual environment,  
25 would be advanced by the grant of this

1 application.

2 Certainly, a new reconstructed  
3 dwelling will infuse vitality into the area.  
4 I'm sure you'll do a beautiful job. You've  
5 developed other homes on the -- on the street,  
6 so I think the committee could consider criteria  
7 I of the land use law as well.

8 And as far as the substantial  
9 detriment, essentially, other than the increased  
10 coverage, which is for the stairwell, you're  
11 really just -- you're not introducing these  
12 conditions into the area. They've existed here.  
13 And you're not exacerbating them but for the  
14 stairwell, for the coverage.

15 ROBERT BOLTON: Yes.

16 CHRISTINE COFONE: So, I think,  
17 given those statement of facts, that the  
18 variance relief could be appropriately granted  
19 in accordance with the statutory criteria of the  
20 Municipal Land Use Law.

21 ROBERT BOLTON: Thank you.

22 LANCE LANDGRAF: Okay. We'll open  
23 this one up to the public as --

24 Anything else?

25 ROBERT BOLTON: No.

1                   LANCE LANDGRAF: We'll open this up  
2 to the public.

3                   Seeing no one here --

4                   Elaine? Nothing? A little tap  
5 dance or anything?

6                   We'll close this hearing to the  
7 public.

8                   And, Rob, we're pretty good and --

9                   ROBERT REID: Yes.

10                  LANCE LANDGRAF: -- Scott?

11                  ROBERT REID: Yep.

12                  SCOTT COLLINS: Just we've been a  
13 little less formal on this one than we usually  
14 are. Let's just mark the application materials  
15 A-1. Nothing else was referenced here today.

16                  LANCE LANDGRAF: Right.

17                  SCOTT COLLINS: And Christine's  
18 report, dated 9/26/16, will be B-1.

19                  LANCE LANDGRAF: Thanks for  
20 bringing us back to order.

21                  All right. With that, as I said to  
22 the previous applicant, how we work here is we  
23 will prepare a hearing officer report for this  
24 meeting. We'll send you a copy of that. Rob  
25 has your contact info.

1                   And we hope to get this on for our  
2 November board meeting. It's too late for  
3 October's, because that's next week. But, we'll  
4 be on for our November meeting. I don't have  
5 that date right now, but we'll give you notice  
6 of that.

7                   You don't have to attend that if  
8 you don't want. It's up to you. It's a public  
9 hearing similar to this, but our full board is  
10 here that day.

11                   ROBERT BOLTON: Mmm-hmm.

12                   LANCE LANDGRAF: And that's it.

13                   ROBERT BOLTON: Yeah. I think -- I  
14 think, without any real open problems or  
15 questions, we probably -- maybe just the owner  
16 will come.

17                   LANCE LANDGRAF: Okay. All right.

18                   ROBERT BOLTON: Mmm-hmm.

19                   LANCE LANDGRAF: That sounds good.  
20 All right. With that, we'll close  
21 the hearing on this matter.

22                   And just an announcement. Our next  
23 meeting is October 20th. We already know we  
24 have two items on that agenda. The Chokraborty  
25 and the Dutta applications will be heard,

1           hopefully, on that date.

2                           With that, we'll close the hearing.

3                           Thank you.

4                           ROBERT BOLTON: Thank you.

5                           SCOTT COLLINS: Thank you.

6

7                           (This public hearing concluded at  
8                           10:42 A.M.)

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Public Hearing  
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