

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

ESTATE OF AC

SEEKING USE VARIANCE FOR DUPLEX

BLOCK 74, LOT 3

206 South Vermont Avenue, Atlantic City, NJ

Thursday - October 6, 2016

Public hearing in the
above-referenced matter, taken at the CASINO
REINVESTMENT DEVELOPMENT AUTHORITY, 15 South



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2 before Karen A. Haworth, a New Jersey Certified
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8 Reporter (CSR), nationally certified Certified
9 LiveNote™ Reporter (CLR), and Notary Public of
10 the State of New Jersey, on the above date,
11 commencing at 9:58 A.M., there being present:
12
13
14

15 APPEARANCES:

16 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

17
18 LANCE B. LANDGRAF, JR.

Chairman

19 Director, Planning Department
20

21 ROBERT L. REID

Land Use Enforcement Officer
22
23
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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1 COUNSEL FOR THE APPLICANT:

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3 BRIAN J. CALLAGHAN, ESQUIRE

CALLAGHAN, THOMPSON & THOMPSON, P.A.

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WITNESS(ES)

PAGE NO.

JON BARNHART

By Mr. Callaghan

12

MICHAEL KOLCHINS

EXHIBITS MARKED AND/OR REFERRED TO:

A-1

A-2

B-1

1 (Time noted: 9:58 A.M.)

2

3 LANCE LANDGRAF: I'm going to call
4 to order the October 6th CRDA Land Use
5 enforcement hearing -- Division hearing.

6 Will the board please join me with
7 the flag salute?

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

10 LANCE LANDGRAF: This hearing has
11 been noticed in accordance with the Senator
12 Byron M. Baer Open Public Meetings Act.

13 We have two items on the agenda
14 today.

15 There were two that were dropped
16 from the agenda due to noticing requirements.
17 I'll go over those two first.

18 It's the Chokraborty application.
19 That's, hopefully, going to be on the next
20 meeting in October?

21 ROBERT REID: Yes.

22 LANCE LANDGRAF: Which is what
23 date?

24 ROBERT REID: The 20th.

25 LANCE LANDGRAF: The 20th, October

1 20th.

2 There will be new notice for that.
3 There was a notice issue with it, so there will
4 be new notice.

5 The same with the Narendra Dutta
6 application.

7 Both of those, hopefully, will be
8 on for October 20th. And they will be renoticed
9 for that hearing.

10 The matters we do have on today is
11 the Estate of AC, Application Number
12 2016-08-2029, and the Bashu Dev, Application
13 Number 2016-09-2049.

14 First on the agenda is Estate of
15 AC. This application is for 206 South Vermont
16 Avenue, Block 74, Lot 3. It's in the Resort
17 Commercial District.

18 And you're seeking a use variance
19 for a two-family residential dwelling.

20 Mr. Callaghan.

21 BRIAN CALLAGHAN: Good morning.
22 Brian Callaghan, of the law firm Callaghan,
23 Thompson & Thompson, on behalf of the Estate of
24 AC.

25 The property is at 206 South

1 Vermont, Block 74, Lot 3.

2 Just for the record, all
3 jurisdictional requirements have been met.

4 Mr. Reid, are we okay with that?

5 ROBERT REID: Yes. I concur.

6 BRIAN CALLAGHAN: Thank you.

7 The application is to construct a
8 new duplex. And it's in the RS-C District,
9 which does not permit duplexes. It does permit
10 a multi-family dwelling, which is more than two,
11 but not two.

12 Historically, just for the record
13 -- and Mr. Landgraf will probably appreciate
14 this -- the property was originally owned --
15 well, not originally -- formerly owned by Daniel
16 Smith, who is a local Realtor in Ventnor.

17 LANCE LANDGRAF: Oh, geez. Yeah.

18 BRIAN CALLAGHAN: He had that
19 property back in the late-'70s, when he was
20 selling ice cream with me on the beach.

21 His wife was there, Cheryl. They
22 had their first daughter. He had his dog,
23 Smiley, who used to sit on the bench on the
24 porch outside, a duplex at that point in time.
25 And stained glass windows in the property.

1 Beautiful, beautiful home.

2 LANCE LANDGRAF: Okay. Wow. Some
3 history.

4 BRIAN CALLAGHAN: It is some
5 history. He was there.

6 We have today Jon Barnhart and Mike
7 Kolchins and, also, Sheldon Grace, who is the
8 Realtor for the property.

9 So, I'll do with Mr. Barnhart
10 first. We can walk you through what we have.

11 In addition, because of our package
12 that we submitted, we had the architectural
13 plans, we had Mr. Barnhart's plans.

14 We've brought, today, some aerial
15 photographs, some Franklin -- the Franklin
16 Atlas.

17 We also brought your Urban Land
18 Institute package that talked about how this
19 area was hoped to be brought back into a
20 residential conformity rather than RS-C, since
21 it hasn't taken place.

22 So, we have some various exhibits
23 to walk you through to talk about why we think
24 that this use is not only particularly well
25 suited for the area, but also will meet the

1 positive and the negative criteria.

2 So, let me first call Mr. Barnhart,
3 and we'll go from there.

4 SCOTT COLLINS: Mr. Barnhart, do
5 you swear to tell the truth, the whole truth and
6 nothing but the truth in your testimony before
7 this board?

8 JON BARNHART: I do.

9 SCOTT COLLINS: Thank you.

10 BRIAN CALLAGHAN: How about if we
11 swear in Mr. Kolchins, also?

12 SCOTT COLLINS: Good morning, sir.
13 Do you swear to tell the truth, the
14 whole truth and nothing but the truth in your
15 testimony before this board?

16 MICHAEL KOLCHINS: I do.

17 SCOTT COLLINS: Thank you.

18 BRIAN CALLAGHAN: Michael, real
19 quick, while we have you standing, why don't you
20 just put your credentials on the record?

21 MICHAEL KOLCHINS: Sure. I'm a
22 registered architect in the state of New Jersey.

23 BRIAN CALLAGHAN: How long have you
24 been an architect?

25 MICHAEL KOLCHINS: Since 1995.

1 LANCE LANDGRAF: Very good. You've
2 been either before me here or some -- maybe
3 Brigantine?

4 MICHAEL KOLCHINS: Brigantine --

5 LANCE LANDGRAF: Brigantine.
6 That's right.

7 MICHAEL KOLCHINS: And before the
8 Atlantic City Zoning Board.

9 LANCE LANDGRAF: So, I'm familiar
10 with his credentials.

11 BRIAN CALLAGHAN: Very good.

12 SCOTT COLLINS: Could you just
13 spell your name for me, please?

14 MICHAEL KOLCHINS: Sure.

15 K-O-L-C-H-I-N-S.

16 SCOTT COLLINS: Thank you.

17 BRIAN CALLAGHAN: Now, why don't
18 you just put your board?

19 We brought a colored rendering so
20 that it would show a little better than the
21 digital.

22 And this is the same -- same
23 elevation drawing that was submitted as part of
24 the digital. We've just thrown some color on
25 it.

1 LANCE LANDGRAF: Okay.

2

3 EXAMINATION BY

4 BRIAN CALLAGHAN:

5 Q. Jon, why don't we go back to you?
6 Qualifications, real quick?

7 A. Yes.

8 LANCE LANDGRAF: I'm sorry. We
9 would recognize both of the professionals as
10 experts in their field.

11 BRIAN CALLAGHAN: Great. Thank you
12 very much.

13 BY BRIAN CALLAGHAN:

14 Q. Jon, why don't you walk them
15 through exactly where we are? And then let's
16 talk a little bit about what we're doing with
17 the project.

18 A. Sure.

19 The first couple exhibits, I'm
20 going to talk from -- kind of go -- continue
21 Mr. Callaghan's discussion of history of the
22 site, because I think it's important to
23 understand where the site came from, how it has
24 sat for so many years and now where we think
25 this area of the community is headed. And we

1 think that the CRDA's master plan, together with
2 the Atlantic City Land Use Ordinance, together
3 with the report that was commissioned by the
4 CRDA, that was prepared by the Urban Land
5 Institute, all envision this area at the head.

6 So, the first exhibit that I have
7 up is a -- is a --

8 LANCE LANDGRAF: That's good.

9 JON BARNHART: -- a Franklin Survey
10 Atlas sheet from 1938.

11 You could see we have the site
12 itself identified on the exhibit.

13 And you could see the entirety of
14 the area was developed; the lots, one after
15 another, a mixture of duplexes, triplexes,
16 single-family homes. It was a thriving
17 residential community on an absolutely beautiful
18 beachfront/oceanfront portion of the City of
19 Atlantic City. It existed that way for many,
20 many years.

21 And I'll go to my next exhibit.

22 SCOTT COLLINS: Can I just
23 interrupt you for a second, Jon?

24 JON BARNHART: Certainly.

25 SCOTT COLLINS: If you're going to

1 be referring to things, are there any things
2 that were not submitted as part of the
3 application?

4 BRIAN CALLAGHAN: Now, --

5 JON BARNHART: Yes.

6 BRIAN CALLAGHAN: -- if you want to
7 call this --

8 How do you want to do it?

9 SCOTT COLLINS: Let's call the
10 application materials A-1.

11 BRIAN CALLAGHAN: Okay.

12 SCOTT COLLINS: Whatever was
13 submitted with that will be A-1.

14 BRIAN CALLAGHAN: Then the Franklin
15 Atlas would be A-2.

16 SCOTT COLLINS: Okay.

17 JON BARNHART: Scott, do you want
18 to just make the whole electronic presentation
19 one exhibit or --

20 SCOTT COLLINS: Is there going to
21 be a lot of --

22 JON BARNHART: There's --

23 I have two or three other things
24 that weren't part of the package.

25 SCOTT COLLINS: Let's just do them

1 together, then, --

2 JON BARNHART: Okay.

3 SCOTT COLLINS: -- the electronic
4 exhibits.

5 Thank you.

6 JON BARNHART: Okay.

7 Moving on to the next exhibit,
8 here, we're looking at an aerial photo from
9 1965. So, you could see from '38 all the way
10 through '65. And the site identified, still a
11 thriving residential community.

12 Each one of the individual lots, as
13 they still, currently, sit on the -- on the tax
14 map, although these blocks are vacant -- and
15 you'll see that in a minute -- there's --
16 there's many, many lots within these blocks
17 owned by a multitude of different landowners.

18 But, you can see through '65.

19 And from Mr. Callaghan's comments,
20 this is still a thriving residential community.
21 Not high-rise, not mid-rise, but, you know,
22 multiple-family buildings that are -- that are
23 very, I'll say, low-rise and residential in
24 character.

25 Moving on to a more current photo,

1 this is an image -- a 2015 Google image. You
2 can see in this image, you can see Revel casino
3 have -- in the bottom left corner.

4 LANCE LANDGRAF: Don't you mean
5 TEN?

6 JON BARNHART: I'm sorry?
7 That's right. TEN. There we go.
8 You said it, not me.

9 The --

10 And then you can see this entire --
11 this entire what I call triangle of property,
12 which is -- you know, as a planner and a person
13 in land use development, every time I go down
14 here, it just blows my mind that that -- that
15 that area is vacant, because it's some of the
16 most beautiful views in the state of New Jersey
17 and probably the east coast.

18 But, you can see the entirety of
19 that corner is almost vacant but for the
20 building right up on New Hampshire Avenue and
21 the jetty.

22 And then you've got some scattered
23 residential throughout.

24 Our site -- of all these areas, our
25 site abuts an existing duplex structure which

1 has -- which has been kept up in nice condition,
2 and then it is -- and then next to that is the
3 locally famous Tony Boloney's restaurant
4 facility.

5 So, we have -- we have a little
6 what I'll call a little microcosm of development
7 going on right in the center of this area.

8 But, you can see, from '38 to '65,
9 to today, what has happened here.

10 You know, there's a lot of -- a lot
11 of discussion as to why it's happened, but --

12 This property -- this area is
13 currently zoned as RS-C, which is resort
14 commercial, intended for high-intensity
15 development, whether it be a casino facility,
16 whether it be some kind of massive residential
17 high-rise.

18 And there has been discussions and
19 plans and studies and we're all aware of what's
20 going on in this area, but yet nothing has
21 happened, and now it sits -- here's how it sits,
22 you know, even up to this morning.

23 What we're here for is what we
24 think is, hopefully, yet another little -- while
25 it's a small piece, it's a tiny piece -- to

1 taking this back to the residential community,
2 thriving community that it once was.

3 You'll remember a few months back,
4 we came in for a project similar to this on
5 Dewey Place. And that was a project where we
6 had a -- we had a property owner. His family
7 had owned the property for, I don't know, 40 or
8 50 plus years. Really didn't know what he could
9 do -- what he could do with it, decided he
10 wanted to move forward with the development of
11 it. He hasn't started construction yet, but he
12 was fortunate to seek and gain approval for a
13 home on that -- on that site.

14 This, from a planning perspective,
15 we find even more exciting, because what this is
16 is this is a private developer that has -- that
17 sees what's -- what's going on around this area.
18 We've got the complete reconstruction of the
19 Boardwalk, from New Hampshire Avenue -- I'm
20 sorry -- from Oriental Avenue all the way around
21 to Revel under construction right now, as we
22 speak. We've got the piece from Oriental,
23 heading towards Gardner's Basin also under
24 construction right now, as we speak, and the
25 area is prime for development. Land values are

1 low, things are depressed in the community.

2 We have a private developer that
3 has now come in, purchased a piece of property
4 and has intention of developing this site as we
5 propose this morning. So...

6 BRIAN CALLAGHAN: Let me just jump
7 in real quick.

8 JON BARNHART: Yeah. Go ahead.

9 BRIAN CALLAGHAN: The developer is
10 a gentleman by the name of Bruce Pender. Not
11 foreign to the city. He bought the Frank
12 Formica piece down on Arctic Avenue that was the
13 half-developed condominium project. Bought that
14 project.

15 Sheldon Grace, who is here, is his
16 Realtor, has been doing it.

17 Bruce also bought the Fox Manor,
18 down on Pacific Avenue, to start renovating that
19 property.

20 And once again, he was a developer
21 who saw what the combination of CRDA, city,
22 state was doing with the new bulkheads, the new
23 things and thought, okay, maybe now is the time
24 to jump in and do something with these
25 properties down here, where you can build some

1 single families, build some duplexes and bring
2 the community back.

3 Historically, once again, this area
4 was a very largely Jewish population going back
5 in the '30s, '40s, '50s and '60s that,
6 unfortunately, they moved out, went to Ventnor,
7 went to Margate. It's one of the reasons why
8 you have the Roth-Goldstein Funeral Home still
9 there. It was there really to service them at
10 that point in time. Rather than moving out,
11 they had stayed. But, it gives you an idea.
12 That was, historically, a largely Jewish
13 population.

14 Back to Jon.

15 JON BARNHART: Okay. So -- so,
16 where we sit today is we have a vacant piece of
17 property and we have a development proposal
18 before you.

19 We just gave you some history why
20 we think that this -- why we think that this is
21 appropriate -- an appropriate type of
22 application. Now we'll get into the technical
23 side of why we think that the variances that
24 we're asking for are justifiable.

25 This exhibit is the application

1 plan that was submitted with the application.
2 You can -- you can see the site is 2,100 square
3 feet in area. It has a depth of 75 feet
4 perpendicular to Vermont Avenue and a width of
5 28 feet and is currently -- as we mentioned, is
6 currently vacant. There's actually a little --
7 if you went by it, there's actually a little
8 garden on it right now that the neighbor, I
9 think, had installed.

10 But, the proposal is to build,
11 essentially, a three and a half story building.
12 The ground floor would be parking as well as
13 access and storage area. And then the upper --
14 the upper -- the next floor up would be unit --
15 we'll call it unit 1, and then above that will
16 be unit 2, with a partial third -- level above
17 that for the -- for a slightly larger second
18 unit on that top floor.

19 So, by definition of the
20 Atlantic City Land Use Ordinance, this is
21 considered a two-family or a duplex structure.

22 The building, as it sits, does
23 require some bulk variances, c. variances, from
24 the -- from the RS-C District regulations and it
25 does also require a d. or a use variance because

1 the type of structure is not permitted.

2 So, we have to -- we have to
3 establish the positive criteria and we have to
4 establish that special reasons exist in order to
5 be able to support the variance that we're
6 requesting this morning.

7 We would put forward that there are
8 three special reasons in the Municipal Land Use
9 Law that can be advanced with the application.
10 The first is that we believe the application
11 promotes the general welfare, which is special
12 purpose A, I believe.

13 This site -- or this proposal of
14 developing this individual lot as residential,
15 we think, really goes to the heart of advancing
16 the intent of the RS-C District definition,
17 which I'll read in a moment. Also, the CRDA
18 master plan, which I'll just read some small
19 excerpts from. And then also, we think it
20 really -- the Urban Land Institute report that
21 was -- that was commissioned by the CRDA and
22 prepared for the CRDA for a vision of the
23 redevelopment of that southeast inlet, that --
24 that report, we think, really hits home to an --
25 to an application such as this.

1 So, first, I just wanted to quickly
2 read -- bear with me one second -- an excerpt
3 from the RS-C District. Because, as I
4 mentioned, we know the RS-C District as a resort
5 commercial type of district for high intensity,
6 but it -- and I'll spare you all the language,
7 but the second part of the purpose of the
8 RS-C District is that: "Residential development
9 is also encouraged for the purpose of preserving
10 and enhancing the family resort character of the
11 city and integrating the specialized activities
12 of the Resort Commercial District with the rest
13 of the community."

14 We think a residential project on
15 this site absolutely advances the intent of the
16 RS-C District -- of that portion of the
17 RS-C District.

18 We have a number of resort
19 commercial projects, existing structures, all
20 along the Boardwalk -- Atlantic City Boardwalk.
21 Many, many of them are struggling. They are
22 trying to -- they are trying to reidentify
23 themselves, they are trying to rebrand
24 themselves. We're very hopeful that that's
25 going to happen and then -- and then we come in

1 with residential around it and we're back to
2 what Atlantic City once was.

3 So, I think that although this site
4 is currently -- is currently zoned RS-C and
5 although our structure is not a permitted use in
6 the zone, we still think it advances the
7 specific purpose of the RS-C zone because
8 residential is specifically encouraged.

9 Secondly, if you look at the
10 Urban Land Institute report that was prepared
11 for the CRDA, there are -- actually, I think I
12 have the excerpts from -- in here from the --
13 yeah.

14 There are -- there are a couple
15 statements made in that which I think are very
16 important and go to the heart of this
17 application. One is that it says -- is that
18 report mentions that: "The southeast inlet
19 neighborhood is to return to Atlantic City's
20 roots as members of a middle income diverse
21 community who want to experience the ocean
22 environment while entertaining themselves and
23 their families."

24 I think the land -- Urban Land
25 Institute, they see that triangle and they see

1 what it's potential -- what potential it,
2 potentially -- it has. It is absolutely an area
3 that we think, in the future, will become some
4 full-time residents, some second homebuyers.

5 You know, the views there are
6 spectacular. It is in very close proximity to a
7 number of amenities immediately adjacent to it
8 and going down the Boardwalk.

9 Once the Boardwalk is completed,
10 this area, as a residential -- from a
11 residential standpoint, you're a block from the
12 beach. You jump on the brand new Boardwalk.
13 You can walk your way all the way around to
14 Gardner's Basin. And I think that the ULI
15 report sees that and that's -- and envisioned
16 this area headed in that direction.

17 Another statement that's made in
18 that ULI report says: "It would be critical for
19 the development to adapt to the reality of
20 what's there and remove what should not stay and
21 rebuild in a carefully thought out and strategic
22 way."

23 Well, fortunately, in this area,
24 the -- much of the blight has already been
25 demolished. So, there's -- there are some

1 pieces left that need to be dealt with, but we
2 think that we're at the point where we have,
3 through a number of different avenues, removed a
4 lot of the blight, and now we have developers
5 that are finally looking and interested in
6 taking those properties and actually developing
7 them.

8 So, I think that -- that those --
9 that those statements from that report are
10 critical.

11 And then finally, and here --
12 here's one, I think, that really kind of hits
13 home the most. One of -- one of the summary
14 recommendations of the ULI report says: "To
15 establish incentives in preparing infrastructure
16 to allow private sector to invest in a stable
17 mixed income and mixed use neighborhood."

18 Here we have a developer that is
19 feeling enough of that stability that he's
20 willing to -- that he's willing to move forward
21 with a project that we have before you this
22 morning.

23 So, I think that the infrastructure
24 that I talked about around it; the new
25 Boardwalk, your know, the promenades, it's going

1 to -- the bulkhead structures that are all being
2 built along that -- along that section of the
3 inlet are all what is enticing people to start
4 looking in that area.

5 So, again, I think we meet the
6 intent and vision of that report.

7 And then finally, the CRDA master
8 plan makes a statement -- and Miss Cofone always
9 does my homework for me on the CRDA master plan,
10 --

11 CHRISTINE COFONE: We try to be
12 helpful.

13 JON BARNHART: -- which is
14 wonderful.

15 So, there's a --

16 I'm just going to read one specific
17 sentence from Miss Cofone's report, which is
18 from the CRDA master plan. It says: "To
19 reinvigorate Atlantic City in the near-term as
20 the leading resort destination in the northeast
21 and beyond."

22 Well, in order to get there, what
23 do we need? We need brand new custom housing
24 stock on the oceanfront that people are -- are
25 interested in purchasing, people are interested

1 in living in as a primary home or a secondary
2 home.

3 You know, the only hope is that
4 everybody that owns a piece of property in this
5 area does exactly what we're here for this
6 morning and, all of a sudden, we have an
7 absolutely beautiful portion of our community.

8 So, I go back. That was -- that
9 was special -- that was special reason A.

10 CHRISTINE COFONE: A. Right. Two
11 more you have to go.

12 JON BARNHART: Right. I'll make
13 them quick. I promise.

14 So, we have -- so, we advance -- we
15 think we advance the purposes of the CRDA master
16 plan, ULI recommendations to the CRDA and the
17 CRDA master -- I'm sorry -- and the Atlantic
18 City Land Use Ordinance RS-C District.

19 The second special reason that I
20 want to put forward is establishment of
21 appropriate population densities, which is
22 special reason E in Municipal Land Use Law.

23 And just briefly, it's interesting.
24 Multi-family buildings are permitted on this
25 site. Right? So, when we say is this an

1 appropriate density, well, we think it's
2 entirely appropriate because we can build a
3 duplex on this site. It's a relatively small
4 site. But, we can build a duplex on it that has
5 all the -- that meets all the needs of the -- of
6 the structure, meaning we have the appropriate
7 parking at the ground floor, we have the storage
8 that we need for it to be a viable property as a
9 duplex.

10 Would it be appropriate as a
11 three-unit building? No, because I can't -- I
12 can't get enough parking spaces on the lot.

13 But, interestingly enough, we're
14 permitted 385 feet of height at this location by
15 the land use ordinance. So, we could throw a
16 third unit on top. Right? We now are a
17 permitted use in the zone and we're only here
18 for c. variances. That's not the right thing to
19 do on a lot this size.

20 We think this is the appropriate
21 application, the appropriate project, but
22 because of the unit type, because of the
23 definition of a multi-family building in the
24 land use ordinance, it triggers the d. variance.

25 Three units or more is a permitted

1 use. Two units is not a permitted use in the
2 RS-C zone.

3 So, we think that we are clearly
4 establishing appropriate population densities
5 for the lot that we have.

6 And last is to provide sufficient
7 space in appropriate locations to support a
8 variety of uses to meet the needs of all New
9 Jersey citizens, which is item G. I think I've
10 given a litany of testimony already that
11 advances that -- that purpose of zoning.

12 So, based on all of that, we think
13 that the positive criteria are clearly
14 established.

15 BRIAN CALLAGHAN: Can I ask you to
16 throw two more in? Safety from fire. We're
17 going to be FEMA compliant?

18 JON BARNHART: Yes. This project
19 --

20 The ground floor will be, as I
21 mentioned, parking and storage. It will have
22 the required flood venting. The first floor
23 will be well above the land use ordinance
24 requirement.

25 The base flood elevation at this

1 location, based on the preliminary firm max, is
2 elevation 10. This -- this floor will be --
3 will be greater than two feet above that, which
4 is what's required by the flood damage
5 prevention ordinance.

6 BRIAN CALLAGHAN: Not to do a
7 disservice to Mr. Kolchins, the desirable visual
8 environment?

9 JON BARNHART: Absolutely. Yeah.
10 I mean, you've got a -- you know, you've got a
11 -- a brand new custom -- custom-designed duplex
12 structure. But, the -- what we think is really
13 neat about it is, if you look at the front
14 elevation Mr. Kolchins developed, and although I
15 don't have it, if you look at some of the -- of
16 the prospective views of some of the homes that
17 were in that area, it really kind of keeps the
18 historic character of Atlantic City, with the
19 rooflines and things. And I think Mr. Reid can
20 testify to that, actually.

21 So, it's an interesting -- it's an
22 interesting building, we think, that definitely
23 provides a desirable visual environment.

24 BRIAN CALLAGHAN: Switch back to
25 your negative criteria, then.

1 JON BARNHART: Okay. So, with
2 regard to the negative criteria, there's two
3 prongs, as we know. Is there a substantial
4 impairment to the zone plan or zoning ordinance.

5 As I mentioned, a multi-family
6 building is permitted in the zone. So, we're
7 not too far from being a permitted use. We are
8 just -- what -- we are proposing to develop a
9 project that is appropriate for the size of the
10 lot that we have.

11 So, we don't think that we
12 substantially impair the zone plan or the zoning
13 ordinance. We think that we advance the
14 purposes of the zone plan by way of the portion
15 of the definition of the RS-C District purpose
16 that I had already read into the record.

17 With regard to the second prong, is
18 there a substantial detriment to the public
19 good. Well, as I said, right now, we have one
20 -- we have one building next to us and then we
21 have Tony Boloney's that --

22 You know, our surrounding land uses
23 right now are, basically, vacant.

24 So, there is -- there is no
25 immediate negative impact to any of our adjacent

1 property owners or neighbors.

2 And with regard to future impact,
3 we're hopeful that everybody wants to do what
4 we're proposing to do here, because that --
5 that's what will make this -- this portion of
6 our community absolutely spectacular once again.

7 So, we don't see a substantial
8 detriment to the public good with our
9 application.

10 And then, finally, we do have a
11 number of c. variances. We are asking for
12 front, side and rear setbacks.

13 And I also realized this as we were
14 preparing this morning, we do need a coverage
15 variance that we didn't -- we didn't anticipate
16 in our -- in our submittal. Fifty-eight percent
17 is what is -- is what is proposed as part of the
18 application and 40 percent is permitted.

19 The bulk and area standards in the
20 land use ordinance in the RS-C zone, they --
21 they are based on a large tract of land. You
22 know, the land -- the lot requirement is 30,000
23 square feet. So, in 30,000 square feet, you can
24 handle 20-foot setbacks on the side and 30-foot
25 setbacks and things -- things of that nature.

1 On these individual lots, which -- obviously,
2 that can't happen.

3 So, what we've proposed here is
4 side yard setbacks, front yard setbacks and rear
5 yard setbacks that work for the lot and that are
6 in character with developing a 28-foot wide lot
7 as a duplex structure.

8 So, we don't think that the
9 variances that we're requesting create any --
10 any negative impact. We think that they are
11 appropriate for the lot.

12 And we think that, unfortunately,
13 the RS-C zoning really -- you know, because it's
14 not a permitted use doesn't contemplate a use
15 like this so that the bulk standards really
16 don't apply to a project like the one we are
17 proposing.

18 With regard to lot coverage, you
19 know, we will have a fully-guttered building.
20 All of our stormwater management will go out to
21 the street so we don't -- we don't impact any of
22 our neighboring properties.

23 On that 58 percent that I -- that I
24 just mentioned as a -- as a variance, it also
25 includes the two front decks. So, you know,

1 it's not -- the building mass itself is not --
2 is not 58 percent. That does include the decks,
3 also.

4 LANCE LANDGRAF: Jon, would you say
5 that the setbacks and the bulk requirements that
6 you're referring to --

7 JON BARNHART: Yes.

8 LANCE LANDGRAF: -- are consistent
9 with other residentially-zoned properties in the
10 city?

11 JON BARNHART: Yes. The front yard
12 setback, rear yard setback and the side yard,
13 with the -- with the three feet, as Mr. Kolchins
14 has proposed, is -- is a -- it's a number that
15 you see a lot because what it allows is, at
16 three feet, you're still allowed to have windows
17 and have a -- have a -- have a nice look to the
18 side of the building. Once you get less than
19 three feet, now, all of a sudden, you've got
20 solid walls and things.

21 So, it is -- it is very much in
22 character with other zones in the community.
23 And it is, I'll say, nearly identical to or even
24 more conservative than the way that these --
25 these lots were developed once before.

1 Many of these homes were tight to
2 the street and didn't have parking on the site.
3 We are proposing two spaces for each of the
4 units by way of carport-style ground floor area.

5 So, yes, I do think that our
6 setbacks are very appropriate and I think that
7 all the justifications that I gave for the
8 d. variance hold true for the bulk variances as
9 well.

10 BRIAN CALLAGHAN: I would just like
11 to throw in some additional quick comments.

12 This is analogous to a house
13 raising that we have in other communities. So,
14 Mr. Kolchins, as part of his plan, the -- it
15 will have -- it would be a stucco finish on the
16 sides of the building and it will be a -- the
17 siding would be brought down to cover the
18 concrete and parking on the front. So, it will
19 be brought down so that, once again -- I know
20 it's not a condition of Atlantic City.
21 Mr. Landgraf has -- has made it a condition down
22 in the Ventnor area. We're carrying that
23 forward here so that --

24 LANCE LANDGRAF: I'm not taking
25 credit for that.

1 BRIAN CALLAGHAN: We're bringing it
2 down so that, once again, we're just not going
3 to have an eight-foot concrete wall sitting out
4 in the thing. So, it will be --

5 LANCE LANDGRAF: It does add to the
6 aesthetics of a building.

7 BRIAN CALLAGHAN: It will add to
8 the aesthetics of the project.

9 We have not come up with a
10 landscape plan yet, but we will be having
11 whatever landscaping we can put. Rear yards
12 will be landscaped, side yards will probably be
13 grassed, and we're going to try to figure out if
14 we can put some grass and/or some shrubs along
15 -- in the front. Even though it's 28-feet wide,
16 we still think we have a little bit of area that
17 we can do with some landscaping in that
18 particular area to give it some nice curb
19 appeal.

20 I have Mr. Kolchins here, if
21 anybody has any questions of him, to go over his
22 plan.

23 LANCE LANDGRAF: Just to bring him
24 up for questioning, --

25 BRIAN CALLAGHAN: Go ahead.

1 LANCE LANDGRAF: -- maybe just to
2 confirm that the proposed structure would meet
3 the current base flood elevations and --

4 MICHAEL KOLCHINS: Yes.

5 LANCE LANDGRAF: -- that criteria
6 under the new FEMA regs and all that.

7 So...

8 MICHAEL KOLCHINS: Mmm-hmm.

9 LANCE LANDGRAF: The construction
10 code of Atlantic City.

11 So that you're confirming that it
12 will comply?

13 MICHAEL KOLCHINS: Yes. Yeah. It
14 will comply.

15 LANCE LANDGRAF: What's the overall
16 height of the structure?

17 MICHAEL KOLCHINS: I don't -- I
18 don't think I have that. I think, because we
19 were allowed so much height, I didn't bother to
20 give it an actual height, but I -- I'm sure we
21 can design it.

22 LANCE LANDGRAF: If you could just
23 add that to a -- you know, the compliance plans.

24 MICHAEL KOLCHINS: Yeah. I believe
25 I tried to keep it in accordance with the --

1 LANCE LANDGRAF: Okay.

2 MICHAEL KOLCHINS: -- what they
3 were -- one and two-family districts that are in
4 the --

5 LANCE LANDGRAF: The first floor,
6 how far is that off the -- off grade?

7 MICHAEL KOLCHINS: Seven foot ten
8 to the top of block. So, we've got eight -- it
9 will be an eight-foot ceiling.

10 LANCE LANDGRAF: And which floor
11 individual --

12 It is nine-foot ceilings or
13 eight-foot ceilings?

14 MICHAEL KOLCHINS: Eight-foot
15 ceilings.

16 LANCE LANDGRAF: Eight foot?

17 Okay. Knowing some of the homes
18 that still exist down there, --

19 MICHAEL KOLCHINS: Yeah.

20 LANCE LANDGRAF: -- they are Dutch
21 Colonial kind of style, which is similar to what
22 you have here.

23 MICHAEL KOLCHINS: I looked at some
24 of the neighbor --

25 LANCE LANDGRAF: Yeah.

1 MICHAEL KOLCHINS: -- an action
2 that the next-door neighbor had.

3 LANCE LANDGRAF: I know Diane
4 McDevitt lives not far from there and she's got
5 an old Dutch Colonial style, I believe. The
6 home is -- still in the shadow of TEN is -- is
7 that similar style. So, that does tie into what
8 was, historically, in this area. So...

9 MICHAEL KOLCHINS: I think the
10 neighbor is a Dutch Colonial.

11 LANCE LANDGRAF: Yeah. Okay.
12 Good.

13 ROBERT REID: Yeah. Lance, I could
14 say that, as someone who lived in that
15 neighborhood in 1965, this is extremely
16 consistent with what -- what I remember the
17 streetscape to be; this size of building, this
18 type of architecture. So, it is very consistent
19 with my recollection.

20 LANCE LANDGRAF: Rob lived in every
21 neighborhood in Atlantic City. So...

22 CHRISTINE COFONE: In 1965.

23 BRIAN CALLAGHAN: That's right.

24 CHRISTINE COFONE: I love the fact
25 that --

1 BRIAN CALLAGHAN: The last time I
2 was here -- the last time, we --

3 CHRISTINE COFONE: I would like the
4 record to reflect that Scott and I can't comment
5 on what was on the earth in '65.

6 SCOTT COLLINS: That's right.

7 BRIAN CALLAGHAN: The last time I
8 was here, he was on Indiana Avenue, next to the
9 parking lot.

10 ROBERT REID: No. For the record,
11 1963 to '65, I lived on Massachusetts Avenue.
12 1966 to '68, I lived at Illinois Avenue, now
13 Martin Luther King. And then after that, I
14 lived at Roosevelt Place, where they're building
15 South Jersey Gas and Stockton.

16 LANCE LANDGRAF: Cool.

17 All right. Anything else, Brian?

18 BRIAN CALLAGHAN: That's it.

19 LANCE LANDGRAF: Okay. With that,
20 I'll go to Christine.

21 CHRISTINE COFONE: Yes.

22 LANCE LANDGRAF: If you want to
23 comment on your report.

24 CHRISTINE COFONE: Good morning.
25 Thank you. Do you need --

1 Good morning. Christine Cofone,
2 for the record.

3 My report is dated September 27th,
4 2016.

5 SCOTT COLLINS: We'll call that
6 B-1.

7 CHRISTINE COFONE: Perfect.

8 Good morning. And thank you for
9 your comprehensive presentation, Mr. Barnhart.
10 As always, very well done and consistent with
11 our letter.

12 I do agree with all of the criteria
13 that you stated for the positive criteria A, E
14 and G, as well as the two that were brought up
15 by counsel. B and I, I believe, they were. So,
16 we can clear up from flooding and a desirable
17 visual environment.

18 I just wanted to ask you a comment
19 on the particular suitability, if you will, for
20 a minute.

21 This lot, as I understand it, is
22 2,100 square feet where 30,000 is required. So,
23 while you did a great job breaking down the
24 latter part of the RS-C, would you also agree
25 that many of the permitted uses that would be

1 much more intense would not be able to be
2 developed on this lot, given the significantly
3 undersized nature of the lot, at 2,100 square
4 feet?

5 JON BARNHART: Yeah. That's a
6 hundred percent correct.

7 CHRISTINE COFONE: It would be
8 impractical and impossible to develop that with
9 any kind of intensity.

10 JON BARNHART: That's correct.

11 CHRISTINE COFONE: Moreover, on the
12 bulk variances, if you were to apply the
13 setbacks and the bulk requirements to the zone,
14 do you believe that the zone -- that the lot
15 would be, essentially, zoned in utility?
16 Because I don't even think you could really get
17 a compliant doghouse on this property if you
18 apply the setbacks.

19 JON BARNHART: No. That's correct.
20 The side -- even just -- even looking at the
21 side yard setbacks for a second, if you -- if
22 you apply the side yard setbacks, they actually
23 overlap, --

24 CHRISTINE COFONE: They overlap.

25 JON BARNHART: -- where there is no

1 building footprint available.

2 CHRISTINE COFONE: There is no
3 conforming building envelope on this property --

4 JON BARNHART: Correct.

5 CHRISTINE COFONE: -- for a
6 permitted use or otherwise.

7 Okay. Thank you. Those are my two
8 questions.

9 LANCE LANDGRAF: We've marked that
10 as B-1?

11 SCOTT COLLINS: Yep.

12 LANCE LANDGRAF: Thank you,
13 Christine.

14 CHRISTINE COFONE: You're welcome.

15 LANCE LANDGRAF: All right. With
16 that, anything else, Rob?

17 ROBERT REID: I just wanted to --

18 Your question about the building
19 height. The plans, as submitted, indicate
20 32-feet, six inches to the mean height of the
21 roof.

22 LANCE LANDGRAF: Okay.

23 ROBERT REID: So, we do have that
24 as a matter of record. The document that's
25 presented and colorized is different than the

1 document that was submitted. So, I would like
2 to also have a copy of that for our file.

3 LANCE LANDGRAF: Yeah. If we could
4 have one of those dropped off to us, --

5 BRIAN CALLAGHAN: We will.

6 LANCE LANDGRAF: -- it will be
7 helpful.

8 ROBERT REID: Thank you.

9 LANCE LANDGRAF: So, it complies
10 with the 385 foot.

11 JON BARNHART: Yeah. I think so.

12 LANCE LANDGRAF: And it's not a
13 question of the ordinance.

14 BRIAN CALLAGHAN: Or just under.

15 CHRISTINE COFONE: Yeah. No
16 d. variance for height there. I think we're
17 good.

18 LANCE LANDGRAF: With that, we'll
19 open the meeting up to the public. Does anybody
20 have any comments on the Estate of AC
21 application of 206 South Vermont Avenue?

22 Seeing none, we'll close the public
23 portion.

24 Let's see. Bring it back from us.
25 We don't have anything else? We're good?

1 ROBERT REID: No. I'm good.

2 LANCE LANDGRAF: All right. The
3 one statement I will make is that -- and I --
4 and I appreciate Jon referencing the ULI report.
5 Just to note that that's not -- how do I put it?
6 It's not part of our master plan. It is a
7 document that -- that goes through a study that
8 we did request of that area. So, it is -- it is
9 good reference. And I appreciate that -- that
10 being brought up. So...

11 But, it's not part of the master
12 plan or the new regulations as of yet. So...

13 But, it does promote exactly what
14 is being -- or offered today.

15 All right. With that, we'll close
16 the testimony on this matter.

17 Brian, our --

18 BRIAN CALLAGHAN: Thank you.

19 LANCE LANDGRAF: We'll get this on
20 the, probably, November board meeting.

21 BRIAN CALLAGHAN: Right.

22 Thank you very much.

23 LANCE LANDGRAF: Thank you.

24 CHRISTINE COFONE: Thank you.

25 LANCE LANDGRAF: If we could have a

1 minute or two to clear before we start the next
2 application.

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4 (This public hearing concluded at
5 10:31 A.M.)

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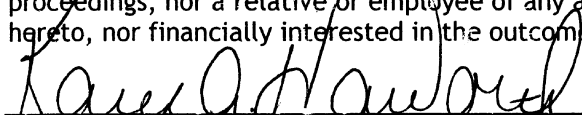
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