

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION
PUBLIC HEARING

RE: DEBASWRUP CHOKRABORTY

2016-09-2048

Thursday - November 3, 2016

CASINO REINVESTMENT DEVELOPMENT
AUTHORITY PUBLIC HEARING, taken in the offices
of CASINO REINVESTMENT DEVELOPMENT AUTHORITY,
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1 Jersey, before Karen Winkler, a Certified
2 Court Reporter of the State of New Jersey, on
3 the above date, commencing at 10:00 A.M., there
4 being present:

5

6

7

8 APPEARANCES:

9

10

11

LANCE B. LANDGRAF, JR.
Hearing Officer

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13

14

RYKER, DANZIG, SCHERER, HYLAND
& PERRETTI, LLP

15

BY: SCOTT G. COLLINS, ESQUIRE
Attorney for CRDA

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ROBERT L. REID
Land Use Regulation and
Enforcement Officer

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JUSTIN AUCIELLO, PP, AICP
Cofone Consulting Group

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I N D E X

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WITNESS(ES)

PAGE NO.

ROBERT BOLTON

DEBASWRUP CHOKRABORTY

EXHIBITS MARKED AND/OR REFERRED TO:

A-1

B-1

1 (Time noted: 10:00 A.M.)

2

3 LANCE LANDGRAF: Call the
4 November 3rd, 2016 Land Use Regulation
5 hearing to order.

6 Please rise for the Pledge
7 of Allegiance.

8 (At this time, the Pledge
9 of Allegiance is being recited.)

10 LANCE LANDGRAF: Thank you.

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

14 We have three items on the
15 agenda. One has been withdrawn. The
16 three items remain on the agenda after
17 the one withdrawal.

18 The first one is application
19 2016-09-2048, Debaswrup Chokraborty.

20 Is that correct?

21 DEBASWRUP CHOKRABORTY:

22 Yes.

23 LANCE LANDGRAF: Okay.

24 The second one is application
25 2016-09-2050, Narendra Dutta.

1 And the third is an appeal,
2 2016-08-2011, for O&S Management, LLC.

3 The first application up is
4 Mr. Chokraborty.

5 DEBASWRUP CHOKRABORTY:
6 Yes.

7 LANCE LANDGRAF: Okay. This is an
8 application for a single-family attached
9 residential -- in a single-family attached
10 residential district.

11 Requests: Seeks to raise
12 your home.

13 Why don't you swear in --
14 First, let me check with Rob.

15 ROBERT REID: Yes. I have
16 checked the public notice requirements,
17 and we have jurisdiction to hear this
18 application.

19 LANCE LANDGRAF: Would you swear
20 them both in?

21
22 ROBERT BOLTON, sworn.

23
24 DEBASWRUP CHOKRABORTY,
25 sworn.

1

2

SCOTT COLLINS: Thank you.

3

4

LANCE LANDGRAF: Please present
your case and we'll move forward. Thank you.

5

ROBERT BOLTON: Fine.

6

I think you have my drawings.

7

8

I'm Robert Bolton, the architect
for the project.

9

10

11

12

13

We're proposing a dwelling
of the exact size of what exists, but as
a new dwelling. It's what we call a
townhouse between two existing
properties.

14

15

The site is approximately 16 X 53,
and the unit we're putting on there is 16 X 40.

16

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We're raising the floor level up
above our elevation so we have a clear height of
seven foot one on the first floor. We know it's
not to be used for a living area, but we want to
have it at least accessible, where somebody
could walk through there and use it for storage,
whatever. So, that's how we established our
height.

24

Our first floor elevation is 15.8.

25

I'm sorry. It's 14. I'm looking at my second

1 one. Floor elevation is 14.

2 We have a front porch. It fits
3 between the two existing units. It will rise up
4 between those two, on the party wall, and have a
5 flat roof that slopes from front to back, as
6 shows on our elevations.

7 The footprint of the new building
8 is exactly the footprint of what exists. We
9 haven't changed any of the bulk of the building
10 at all, in any way, shape or form, other than
11 for the stair and the deck in the front, which
12 we have plenty of room for.

13 And it fronts on Liberty Terrace.

14 That's pretty much it. It's a very
15 easy project.

16 LANCE LANDGRAF: Couple of
17 questions, if you don't mind, Mr.
18 Bolton.

19 ROBERT BOLTON: Yes.

20 LANCE LANDGRAF: The concern
21 whenever you're doing, basically, a row home
22 elevation, how are you handling the structure,
23 the walls on either side of you?

24 ROBERT BOLTON: Basically, what's
25 happening, the walls that are there right now,

1 it has been demolished. It's vacant.

2 LANCE LANDGRAF: Okay.

3 ROBERT BOLTON: We're ready to
4 start construction immediately.

5 We're going to put piers up on
6 either side and run Microllam beams, front to
7 back, and build a two-by-four wall inside the
8 existing party wall on either side so that we're
9 totally within our area. And that'll also act
10 as bracing for the walls that are there now.

11 LANCE LANDGRAF: Okay. The front
12 porch, if you will, that's going to be higher
13 than the other porches on either side?

14 ROBERT BOLTON: Yes, it is.

15 LANCE LANDGRAF: Yeah. The city,
16 as well as the CRDA, struggles with this type of
17 home raising.

18 We understand you need to do it to
19 make your property viable and safe from future
20 floods. It's a shame that the entire block is
21 not able to do something like this, because
22 this, really, from an aesthetic standpoint, it
23 does not meet any test that we could come up --

24 There's just no way to make this
25 look right.

1 I know the city has tried, through
2 grant money, and even talking to FEMA, about
3 getting money for an entire block, to demolish
4 it and rebuild it higher. It's just not there.

5 So, we understand your hardship.
6 That is certainly something that we would like
7 to see done differently, but we understand you
8 don't have a whole lot of choice.

9 ROBERT BOLTON: If I may interject.
10 We've done quite a few on the Texas
11 Avenue area, and in the time where we raised
12 some and had the same condition, where we had
13 porches up and roofs, in the last year, other
14 people have now raised at the same time. So,
15 now we're starting to get something that's
16 starting to look uniform. And, hopefully,
17 that'll happen to everybody.

18 LANCE LANDGRAF: One of the ideas
19 the city had was to come in and get money from
20 FEMA to literally take the whole block and
21 relocate everybody.

22 ROBERT BOLTON: That would be
23 terrific.

24 LANCE LANDGRAF: Because the area
25 floods all the time.

1 ROBERT BOLTON: Yeah.

2 LANCE LANDGRAF: That's not
3 something we're here to talk about today.

4 ROBERT BOLTON: So, we're doing the
5 best we can. And we hope everybody else decides
6 to do the same thing in the future.

7 LANCE LANDGRAF: Gotcha.

8 All right. If you're done with
9 your testimony.

10 ROBERT BOLTON: Yes.

11 JUSTIN AUCIELLO: So, we have a
12 letter issued, planning letter issued September
13 26, 2016.

14 And you have a copy, right, sir, of
15 this letter?

16 ROBERT BOLTON: I do not. The
17 builder may have.

18 JUSTIN AUCIELLO: You don't have a
19 copy?

20 ROBERT BOLTON: No.

21 JUSTIN AUCIELLO: Have you ever
22 seen the letter?

23 ROBERT BOLTON: No, I have not.

24 JUSTIN AUCIELLO: Okay. Well, I
25 think we had sent it, via e-mail, to you or

1 someone on your project team.

2 UNIDENTIFIED SPEAKER: This
3 gentleman here has one.

4 JUSTIN AUCIELLO: It should be a
5 few pages.

6 UNIDENTIFIED SPEAKER: It was two
7 pages. It was what we were doing.

8 LANCE LANDGRAF: It's more than
9 that. It's about five pages.

10 UNIDENTIFIED SPEAKER: Yeah.
11 Because it cost six-something to send the
12 letter.

13 JUSTIN AUCIELLO: So, this is a
14 letter that's issued by the planner, which is
15 me.

16 And, essentially, what it is is it
17 outlines your application, your case.

18 It also specifies the variances
19 that are required of this application.

20 ROBERT BOLTON: Yes.

21 JUSTIN AUCIELLO: And then it also,
22 you know, states some comments from the planner
23 about what we would like to see or what we would
24 like to have changed in this application.

25 If you want to take a look at it

1 real quick and I can just go through it real
2 quickly with you.

3 ROBERT BOLTON: Yes.

4 JUSTIN AUCIELLO: The first page is
5 pretty much standard stuff, which goes over the
6 site, the summary of your proposal, surrounding
7 land uses and zoning compliance.

8 You are in the R-3 zone, where the
9 use is permitted. So, we have no issue with the
10 use.

11 ROBERT BOLTON: You probably did
12 send this to me. I have just gotten out of the
13 hospital. That's been why I haven't gotten the
14 letter, probably.

15 JUSTIN AUCIELLO: That's
16 understandable. That's understandable.

17 You want to go to page two, the top
18 of page two. It outlines the variances that are
19 required.

20 ROBERT BOLTON: Yes.

21 JUSTIN AUCIELLO: The existing
22 condition. Of course, there's nothing that you
23 can really do about this; for the lot area and
24 the lot width. It's existing and it's proposed.
25 There's nothing that can be done to eliminate

1 those conditions.

2 However, there are some
3 newly created variances, and I list them
4 here, for the front yard setback, rear
5 yard setback, side yard setback, second
6 side yard setback and the lot coverage.

7 If you go down to the second
8 heading there, it's the planning analysis and
9 issues for consideration by the board. I state
10 the legal standard for the variances. This
11 would fall either under a c(1), which is a
12 hardship, or a c(2), which is the benefits of
13 your application would outweigh the detriments
14 of the same. So, basically, what you're
15 proposing, your argument would be that what
16 you're proposing would benefit the community
17 more than placing any negative detriment on the
18 community.

19 ROBERT BOLTON: Yes. Use.

20 JUSTIN AUCIELLO: I did find, for
21 the record, some discrepancies in the zoning
22 table with respect to the standards of the R-3
23 zone. I did see, in some instances, what you
24 had in your table didn't match up with the R-3
25 zone. So, that's something that we would seek

1 as a condition of approval, should the board act
2 favorably; that the zoning table, you know, be
3 updated.

4 ROBERT BOLTON: That's what's shown
5 on the Catalano Engineering plan?

6 ROBERT REID: Yes.

7 JUSTIN AUCIELLO: Yes.

8 ROBERT BOLTON: I'll contact him.

9 JUSTIN AUCIELLO: If they can
10 resubmit that zoning table so we have, for our
11 records, everything updated.

12 If you see, point two starts the
13 applicant zoning compliance. It states that the
14 maximum building coverage is an existing
15 nonconforming condition. The table shows a
16 decrease in site coverage from 75 to 71 percent,
17 which would trigger a variance, as the existing
18 condition exceeds the 40 percent maximum.

19 So, there are some instances
20 in here where they're calling out the
21 current condition. However, the building
22 was demolished. So, from my standpoint,
23 once you extinguish that structure,
24 you're no longer dealing with the
25 existing conditions, other than, of

1 course, the lot area and the lot width,
2 which has nothing to do with the
3 structure itself.

4 So, some of those things have to be
5 cleaned up in the plan, just to reflect.

6 What I would ask you, from a
7 planning standpoint -- and I've been out on the
8 property and in the area.

9 Understanding that, of course, this
10 is an area that does suffer from somewhat
11 regular flooding. Would you say that what's
12 proposed here would be a benefit to the
13 community, you know, other than what currently
14 exists and -- I'm sorry -- nothing exists, but
15 what had existed previously?

16 ROBERT BOLTON: Yes.

17 JUSTIN AUCIELLO: You think, from
18 an architectural standpoint, what's proposed
19 does advance the goals of planning and zoning
20 and would be a benefit to the community as
21 opposed to have the structure just stay, you
22 know, as it previously was?

23 ROBERT BOLTON: Yes. Most
24 definitely.

25 JUSTIN AUCIELLO: Most definitely.

1 ROBERT BOLTON: For a few reasons.
2 Number one, to meet the flood requirements.
3 And, number two, if you're going to rebuild or
4 renovate anything in the city, it doesn't make
5 sense to take houses that are 80, 90 years old
6 and, you know, put a door up in the air and say
7 this is a wonderful thing, when the person is
8 willing to come up, out of his own pocket, and
9 put a brand new structure so he gets something
10 that meets all the new codes and is energy
11 efficient. It just starts a trend on the block
12 that then other people say, well, gee, if he's
13 willing to put in this kind of money on this
14 block, maybe I should think of it. And that's
15 what we're hoping. And it'll just continue and
16 get the ball rolling.

17 JUSTIN AUCIELLO: And would you
18 say --

19 You know, there are variances that
20 are required in this application. Would you say
21 that the surrounding area, from the
22 architectural standpoint -- a lot of these are
23 older uses that, most likely, probably, do not
24 comply with 100 percent of the R-3 zone
25 requirements?

1 ROBERT BOLTON: Yes. I don't think
2 there's anything in that neighborhood that
3 complies.

4 JUSTIN AUCIELLO: I don't know for
5 sure, but based on my observations, I would
6 agree with you.

7 ROBERT BOLTON: And that's most
8 neighborhoods.

9 JUSTIN AUCIELLO: So, you would say
10 that the benefits of granting these variances
11 would outweigh any detriments?

12 ROBERT BOLTON: I don't see
13 anything negative, to be honest with you.

14 ROBERT REID: Mr. Bolton, would
15 part of your testimony be that the proposed
16 nonconformities with the new building is
17 consistent with what previously existed and it's
18 also consistent with the neighborhood
19 development pattern?

20 ROBERT BOLTON: Yes.

21 And we're hoping it establishes a
22 new one, to be honest with you.

23 JUSTIN AUCIELLO: We also require a
24 variance for the fence height. Ordinance
25 section 163-68 limits the fence height to four

1 feet, unless it's a privacy fence in the rear
2 yard, whereas -- that's a typo -- excuse me --
3 whereas the applicant proposes a five-foot
4 fence. The applicant shall provide a statement
5 relative to the function of the fence. Is it to
6 enclose the property or for privacy?

7 ROBERT BOLTON: For privacy.

8 JUSTIN AUCIELLO: For privacy.

9 And then it goes on to say that --

10 The ordinance is silent on the
11 function of privacy, although we are utilizing
12 the common interpretation for privacy as a
13 board-on-board fence or chain-link fence with
14 slats. The applicant shall clarify precise type
15 of chain-link fence proposed.

16 Do you know what type of
17 fence is proposed?

18 ROBERT BOLTON: You think
19 putting slats in the chain-link fence.
20 Correct?

21 DEBASWRUP CHOKRABORTY: Yes.

22 ROBERT BOLTON: Yes.

23 JUSTIN AUCIELLO: So you can't see
24 through it?

25 ROBERT BOLTON: Yes. You can't see

1 through it.

2 JUSTIN AUCIELLO: Parking. How is
3 that going to be accommodated?

4 ROBERT BOLTON: Basically, the
5 parking is what exists. And that's -- there's
6 no way we can really change anything else.

7 JUSTIN AUCIELLO: Your property is
8 quite small, so you're really dealing with what
9 you have to deal with.

10 ROBERT BOLTON: Yes. It wouldn't
11 even be feasible to have it raised and have a
12 garage. There's no way to get to it.

13 ROBERT REID: The terrace is only
14 12 and a half feet wide.

15 ROBERT BOLTON: It's just what it
16 is.

17 JUSTIN AUCIELLO: One last thing.
18 Landscaping. Are you going to beautify the
19 property in any way?

20 ROBERT BOLTON: Oh, yes. Yes.

21 JUSTIN AUCIELLO: Can you, for the
22 record, say what type of --

23 ROBERT BOLTON: Yes. Where we have
24 the area in the front, the porch and steps, we
25 will take an area across the front. Because

1 this does set back quite a bit. There's an area
2 there that will either have grass with shrubbery
3 or maybe all he'll do is put like lilies across.

4 But, we have area. We're not right
5 on a sidewalk. So, we have green space area to
6 do something with.

7 JUSTIN AUCIELLO: So, you would say
8 that this is -- what's proposed would be quite a
9 different --

10 ROBERT BOLTON: Yes. Quite
11 different than now. Everything is just barren.

12 JUSTIN AUCIELLO: So, you would say
13 that this is also a situation whereby improving
14 not only the structure --

15 LANCE LANDGRAF: Structure and
16 landscaping.

17 This is, hopefully, going to send a
18 signal to the community that this is an area
19 that's in the process of --

20 ROBERT BOLTON: You're willing to
21 invest.

22 JUSTIN AUCIELLO: Great.

23 I don't believe I have any more
24 comments.

25 This is an application that I

1 believe is consistent with the master plan and
2 the intent of the Tourism District. It's a
3 permitted use.

4 You provided sufficient testimony,
5 planning testimony, relative to the variances
6 that are required. And this is something that I
7 would support, from a planning standpoint.

8 ROBERT BOLTON: Thank you.

9 LANCE LANDGRAF: Okay. Thanks,
10 Justin.

11 Open up to the public. If
12 anybody in the public wants to speak in
13 favor or against this application or has
14 any comments, please step forward.

15 Seeing none, we'll close the public
16 portion for this application.

17 Anything from you, Scott?

18 SCOTT COLLINS: I would
19 jump in, for housekeeping purposes, and
20 mark the application material packet as
21 A-1 and the letter that Justin has been
22 speaking from B-1, 9/26/16.

23 LANCE LANDGRAF: Okay. All right.
24 I think we're good on your side?

25 ROBERT REID: Yes. Thank you very

1 much.

2 LANCE LANDGRAF: As typical, we
3 will take this to our full board at the December
4 meeting, and we will get an answer from that,
5 prepare a hearing officer report, which you'll
6 get copied on, and send that out prior to the
7 meeting date.

8 You can attend that day, if you
9 want. It's not necessary, but you're certainly
10 welcome to. That date is the third Tuesday in
11 December, and I'm drawing a blank on that date.
12 You'll get notice of it.

13 ROBERT BOLTON: Yes. Thank you.

14 I am back in my office now, so I
15 will be able to read the other e-mails.

16 LANCE LANDGRAF: December 20th is
17 the full board meeting date.

18 ROBERT BOLTON: All right.

19 LANCE LANDGRAF: With that, we'll
20 take a brief pause.

21

22 (This public hearing concluded at
23 10:15 A.M.)

24

25

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CSR ASSOCIATES

Certified Court Reporters

1442 New Road
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Fax (609) 641-7640


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