

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION
PUBLIC HEARING

RE: NARENDRA DUTTA

2016-09-2050

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 10:16 A.M., there
4 being present:

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7

8 APPEARANCES:

9

10

11

LANCE B. LANDGRAF, JR.
Hearing Officer

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RYKER, DANZIG, SCHERER, HYLAND
& PERRETTI, LLP

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BY: SCOTT G. COLLINS, ESQUIRE
Attorney for CRDA

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ROBERT 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

NARENDRA DUTTA

EXHIBITS MARKED AND/OR REFERRED TO:

A-1

B-1

1 (Time noted: 10:16 A.M.)

2

3 LANCE LANDGRAF: The next
4 application, as I said, is for Narendra Dutta.
5 It's 119 North Georgia Avenue. Block 338, Lot
6 13.

7 It's also in the R-3 single-family
8 attached district and seeking similar relief as
9 the last application; for bulk and area
10 requirements to allow the reconstruction of a
11 single-family dwelling that was damaged by
12 Superstorm Sandy.

13 NARENDRA DUTTA: It's Lot 13, not
14 14.

15 LANCE LANDGRAF: Yes. 13.

16 Rob, we have proof of service?

17 ROBERT REID: Yes. I reviewed the
18 proof of service, and we have jurisdiction to
19 hear this application.

20 LANCE LANDGRAF: Do you want to
21 swear in the gentlemen?

22

23 ROBERT BOLTON, previously

24 sworn.

25

1 NARENDRA DUTTA, sworn.

2

3 SCOTT COLLINS: I think we should
4 note for the record that Mr. Bolton was
5 previously sworn and remains under oath.

6 LANCE LANDGRAF: All right. Same
7 thing. Present your application and we'll start
8 this moving.

9 ROBERT BOLTON: This is a new one
10 for us. Because I think every one we've done in
11 town has either been a semi-detached or in the
12 middle of a row, and this is a single. So, this
13 is something new.

14 What it allowed us to do is a
15 little more creative front elevation, where we
16 have a nice side-to-side gable roof and give it
17 a little more pizzaz than the other ones. But,
18 it, basically, is the same thing.

19 This home is 14 foot six inches
20 wide and 49 foot deep, which, again, is exactly
21 the same footprint as the house that exists.
22 And we're going right on that same footprint.
23 But, again, same reason. Our first floor
24 elevation will be at 15.2. Again, because we
25 want the seven-foot ceiling height in the bottom

1 level so that it's usable for a storage area.
2 And we know that it can't be used for living
3 area.

4 And we've shown no windows or
5 anything down on that level. It's all
6 blockwork.

7 LANCE LANDGRAF: We would make that
8 a condition of any approval that we would
9 recommend.

10 ROBERT BOLTON: Yeah. And we're
11 well aware of that.

12 Other than that, again, it's the
13 same reasoning. The house was damaged. And
14 rather than try and rebuild or, you know, do a
15 renovation, it made much more sense to just
16 start over and put a new structure in that area.

17 Again, because this is detached, it
18 looked a little better, whether it's a little
19 higher or not. It's a detached home, and so you
20 want to create a difference in the homes anyway
21 in an area of detached single homes.

22 So, we feel this one's a
23 no-brainer, really. It's pretty easy to work
24 with.

25 LANCE LANDGRAF: I guess I have a

1 question on the design. You said it's a
2 freestanding, but it looks like it's built as if
3 -- I'll say, from the left-hand side, looking at
4 the front of the building, it looks like it
5 would be attached.

6 ROBERT BOLTON: The left-hand side
7 is blank for one reason. It's within three foot
8 of the property line, and you can't have any
9 windows within three foot of a property line.

10 LANCE LANDGRAF: Right. I get that
11 part of it, but --

12 I don't know that that's --
13 Is that a construction code?

14 ROBERT BOLTON: Yes. That's a
15 construction code in Atlantic City.

16 ROBERT REID: It's State.

17 ROBERT BOLTON: We're not allowed
18 to have any windows in that wall.

19 ROBERT REID: I'm saying, the fact
20 that the wall has to be completely enclosed when
21 you're within three feet of a property line is
22 building code.

23 LANCE LANDGRAF: What I'm telling
24 you is, the setbacks in Brigantine --

25 I'll point to a councilman in

1 Brigantine. We have three and seven, and
2 there's windows on those walls all day long.

3 ROBERT BOLTON: In Atlantic City,
4 you can't have --

5 LANCE LANDGRAF: Well, they're
6 still under the same building code.

7 ROBERT BOLTON: We're actually less
8 than three feet.

9 LANCE LANDGRAF: Maybe it's less
10 than three feet.

11 My concern is --

12 My question is, it looks like it's
13 ready to be attached to another structure and
14 it's not.

15 ROBERT BOLTON: Unfortunately --

16 LANCE LANDGRAF: Well, I'm looking
17 at this thing, and you have a peak that is a
18 peaked roof --

19 ROBERT BOLTON: Yes.

20 LANCE LANDGRAF: -- on the front
21 portion, at the lower end.

22 ROBERT BOLTON: Yes.

23 LANCE LANDGRAF: And you have a
24 section that goes up.

25 ROBERT BOLTON: A section goes up

1 higher is where our heating equipment is.

2 LANCE LANDGRAF: Right.

3 ROBERT BOLTON: It's like a shed
4 dormer. It goes up, and it's only an area --

5 LANCE LANDGRAF: Why can't we raise
6 that full peak portion of this? This is going
7 to look odd, sitting in the middle of nowhere.
8 You have space on either side of this home and
9 you've got one sloped roof going up to one side.

10 ROBERT BOLTON: That slope is back
11 16 foot from the front of the unit.

12 LANCE LANDGRAF: I just don't see
13 that as being --

14 ROBERT BOLTON: In other words,
15 you're going to see a roof that looks like this
16 from the front, and that little peak that goes
17 up is sitting back in the middle of the house
18 and it's only about eight foot wide. It shows
19 on the side elevation on the next page.

20 LANCE LANDGRAF: So, really, from
21 the street, you're not going to see that?

22 ROBERT BOLTON: No. You really
23 won't. Unless you're about 40-foot away, you
24 won't see it.

25 LANCE LANDGRAF: Okay. That makes

1 me feel a little bit better.

2 From that front elevation drawing,
3 it looks --

4 ROBERT BOLTON: That was only put
5 up in that one area so there would be an area in
6 the attic space for heating equipment.

7 Even though we have the seven-foot
8 ceiling down below, we can't put any heating
9 equipment down there.

10 LANCE LANDGRAF: You get what I'm
11 looking at, Justin?

12 JUSTIN AUCIELLO: Yeah.

13 LANCE LANDGRAF: It looked like it
14 was ready to be attached to another structure
15 and it's not.

16 ROBERT BOLTON: Yeah. It probably
17 would have been better if I hadn't shown that at
18 all.

19 LANCE LANDGRAF: You need to show
20 it.

21 JUSTIN AUCIELLO: We like
22 transparency.

23 LANCE LANDGRAF: And your
24 explanation gets me through my concern.

25 ROBERT BOLTON: Okay. Fine.

1 LANCE LANDGRAF: All right. So, if
2 you're done, I'll have Mr. Auciello go through
3 his report.

4 ROBERT BOLTON: Yes.

5 JUSTIN AUCIELLO: Thank you,
6 Mr. Chair.

7 This report is dated September 26,
8 2016. This is our planning review.

9 Since we're talking about a totally
10 separate application, I'll go through the same
11 motions as I had previously.

12 ROBERT BOLTON: Sure.

13 JUSTIN AUCIELLO: It's an
14 application in the R-3 zone. The zone permits
15 the proposed use.

16 We take no issue with the use
17 itself. However, we do have some concerns
18 relative to the variances that are required.

19 There are two existing
20 nonconforming conditions; minimum lot area and
21 lot width. Nothing you can do about that. It
22 is what it is. We understand that.

23 There are some newly-recreated
24 variances for the front yard setback, rear yard
25 setback, side yard setback and second side yard

1 setback and the lot coverage. The numbers are
2 provided in the report.

3 The planning issues for
4 consideration by the board: There are C
5 variances required. The variances would either
6 fall under c(1), hardship, or a c(2), which is
7 the benefits outweighing the detriments, also
8 known as flexible C.

9 Like in the previous application --
10 excuse me. You can strike that.

11 Go back to the brand new
12 application. So, again, I'm going to talk about
13 this application by itself.

14 The zoning table has to be revised
15 to reflect the compliance with the R-3 zone. I
16 believe the numbers that you had provided
17 relative to your application are fine, but the
18 numbers that are provided for the R-3 zone do
19 not match what's on the books in the zoning
20 ordinance.

21 ROBERT BOLTON: Yes.

22 JUSTIN AUCIELLO: So, that has to
23 be revised as a condition, should the board act
24 favorably upon this application.

25 Let me see. The applicant has

1 already demolished the structure. So, all
2 existing conditions related to setback height,
3 coverages are extinguished.

4 Since this is a brand new
5 application relative to a new structure, there
6 would be variances required that are not
7 existing. They're all brand new.

8 So, I would ask you, from a
9 planning standpoint, with the variances that are
10 required --

11 Actually, start with this: Is
12 there a hardship, number one. And, number two,
13 if there's not a hardship, would the benefits of
14 granting those variances outweigh the detriment?
15 Is this a use that's consistent with the
16 surrounding area? Does it make sense? Did the
17 demolition of the past structure make sense, in
18 light of the need to improve this area?

19 So, I guess, from your standpoint,
20 would the granting of these variances be a
21 benefit to the community?

22 ROBERT BOLTON: Yes. This is
23 strictly benefit rather than hardship.

24 And, again, it's a single-family
25 home, like all the other homes on the block.

1 The difference being, it's newly constructed.
2 All new exterior. Much more up to date, as far
3 as what's in the area. And would pose, really,
4 no detriment at all in the area. It fits, with
5 the exception of it being a little higher,
6 although it is still below the height
7 requirement, the height that's allowed.

8 So, we've done everything we can to
9 make it fit in and not have to say, well, gee,
10 we're going to be sticking way up in the air.
11 Because we're really not. We're within code.

12 JUSTIN AUCIELLO: So, you're saying
13 what's proposed today is generally consistent
14 with the pattern of development in the
15 surrounding area?

16 ROBERT BOLTON: Yes.

17 JUSTIN AUCIELLO: And would you
18 say -- you probably don't have the numbers, but
19 would you say that the existing structures in
20 this area probably violate a lot of variances
21 with respect to the condition?

22 ROBERT BOLTON: Yes.

23 Again, it's similar to most of the
24 areas, where the houses are relatively old.

25 JUSTIN AUCIELLO: So, you're

1 dealing with a situation that, due to -- it's
2 not necessarily a hardship, but you're dealing
3 with a situation where you have an existing lot.
4 There's no way to expand that lot. So, you're
5 working within the confines.

6 And would you say that what's
7 proposed today would help to protect the home in
8 the event of another flood?

9 ROBERT BOLTON: Yes. Yes. This
10 way, not only are we improving the neighborhood
11 as far as visible, we're improving it and it's
12 going to meet all the latest flood requirements.

13 JUSTIN AUCIELLO: So, you're saying
14 that this is a proposal that's going to keep the
15 people who are going to, hopefully, occupy that
16 structure safe?

17 ROBERT BOLTON: Yes.

18 JUSTIN AUCIELLO: And would you say
19 that what's proposed here will provide for some
20 nice curb appeal? Can you speak to any
21 landscaping, any type of enhancements?

22 ROBERT BOLTON: Yes. The same
23 thing will exist here as is shown on Mr.
24 Catalano's plan.

25 And, again, it will be the engineer

1 we will contact to get that sheet taken care of.

2 On his sheet, it shows a proposal
3 of the house. And, again, it sets back four to
4 five foot of green space area from the property
5 line to the start of the stair. So, we're not
6 encroaching right up to the property line. So,
7 we have room, again, for either grass area or
8 some low plantings across the front and help
9 dress it up and give it a little more
10 streetscape.

11 JUSTIN AUCIELLO: Great.

12 And then for parking, that's going
13 to be handled how?

14 ROBERT BOLTON: Parking, again, is
15 the same thing. It fronts on Blake Street.
16 It's an eight-foot wide street.

17 The gentleman realizes, now, he has
18 to park a ways away to get to the house.

19 NARENDRA DUTTA: I did before.

20 ROBERT BOLTON: And he's going to
21 continue to do it.

22 JUSTIN AUCIELLO: Okay. Great.

23 One last thing. About the fence
24 heights.

25 NARENDRA DUTTA: Before, I will try

1 with City Hall. But, they told me, no, you
2 cannot do that.

3 JUSTIN AUCIELLO: That's
4 understandable. That's fine.

5 With respect to the fence height
6 ordinance, section 163-68 limits the fence
7 height to four feet, unless it's a privacy fence
8 in the rear yard. The applicant proposes a
9 five-foot fence. What's the function of this
10 fence? Is this to provide your privacy?

11 ROBERT BOLTON: Privacy, again.

12 JUSTIN AUCIELLO: And the type of
13 fence?

14 ROBERT BOLTON: It would be the
15 same. It would be an enclosed fence, either
16 vinyl-type closed fence or chain link with the
17 slats. It's for privacy.

18 JUSTIN AUCIELLO: Great.

19 So, I believe that's it.

20 This is an application that, I
21 believe, advances the intent of the CRDA
22 Atlantic City Tourism District Master Plan, the
23 intent of the Tourism District. It's a
24 permitted use.

25 I believe the testimony that you

1 have provided is sufficient to establish the
2 benefits of granting these variances would
3 outweigh any detriment to the same.

4 And from a planning standpoint, I
5 believe this is an application that should be
6 acted upon in a favorable manner.

7 ROBERT REID: Mr. Bolton, is part
8 of your testimony that the plans showing a
9 49-foot long building is replacing a building
10 that previously was 49 feet long?

11 ROBERT BOLTON: Yes. Exactly the
12 same footprint in every respect.

13 LANCE LANDGRAF: Because you do
14 quite a bit of these.

15 What I'm going to ask, in the
16 future, we need a survey of that structure.
17 Because the application --

18 We understand, now, that the
19 building's gone. So, what would help us get
20 through this a little bit easier is a survey
21 that shows the existing dwelling on the
22 property.

23 ROBERT BOLTON: Okay.

24 ROBERT REID: Or the previously
25 existing dwelling, in this case.

1 ROBERT BOLTON: Fine.

2 LANCE LANDGRAF: I know you can't
3 do that now, because the building's gone. In
4 future cases --

5 ROBERT BOLTON: It's going to look
6 exactly like what's here, except it won't say
7 proposed two-story. It'll say existing
8 two-story.

9 The only thing that would not show
10 would be the stairwell on the front. But,
11 everything else, if I had them scrub out the
12 word proposed, we'd be okay.

13 LANCE LANDGRAF: Here's what we're
14 trying to get to: We need to show what was
15 existing prior to you tearing it down and then
16 what you're proposing. Because if we say here's
17 what's existing, it's easier for us to show it
18 on a survey to make the case that you're
19 replacing what you had in the past. That's what
20 we're asking.

21 ROBERT BOLTON: That's fine.

22 LANCE LANDGRAF: Anything from you?

23 SCOTT COLLINS: We'll just mark the
24 application materials as A-1 and the 9/26/16
25 letter that Justin spoke from as B-1.

1 LANCE LANDGRAF: Okay.

2 Mr. Bolton, anything else?

3 ROBERT BOLTON: No. That's it.

4 LANCE LANDGRAF: Mr. Dutta?

5 NARENDRA DUTTA: No.

6 LANCE LANDGRAF: Does anybody from

7 the public have anything on the application?

8 Step forward.

9 Seeing none, we'll close the public
10 portion.

11 Anything else from us? I think
12 we're good.

13 ROBERT REID: We're good.

14 LANCE LANDGRAF: We'll close this
15 application.

16 Our reports will be posted for the
17 December 20th board meeting and we'll move
18 forward from there.

19 All right. Thank you very much.

20

21 (This public hearing concluded at
22 10:31 A.M.)

23

24

25

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