

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

PUBLIC HEARING

MOHAMMED ALAM

SEEKING "C" VARIANCE RELIEF TO RECONSTRUCT

SINGLE-FAMILY DWELLING

BLOCK 339, LOT 22

1 North Liberty Terrace, Atlantic City, NJ

Thursday - January 5, 2017

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1                                   Public hearing in the  
2   above-referenced matter, taken at the CASINO  
3   REINVESTMENT DEVELOPMENT AUTHORITY, 15 South  
4   Pennsylvania Avenue, Atlantic City, New Jersey,  
5   before Nancy L. Delaney, a New Jersey Certified  
6   Court Reporter (CCR), on the above date,  
7   commencing at 10:05 A.M., there being present:

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11   APPEARANCES:

12   CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

13

14   LANCE B. LANDGRAF, JR.

Chairman

15   Director, Planning Department

16

17   ROBERT L. REID

Land Use Enforcement Officer

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22

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1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2

3 SCOTT G. COLLINS, ESQUIRE

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

4

5 CHRISTINE A. NAZZARO COFONE

Cofone Consulting Group

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WITNESS(ES)  
CRAIG DOTHE

PAGE NO.  
6

EXHIBITS MARKED AND/OR REFERRED TO:

A-1  
A-2  
B-1

1                   LANCE LANDGRAF: I'll call to order  
2 the January 5, 2017 CRDA Land Use Regulation and  
3 Enforcement hearing.

4                   Happy New Year, everybody.

5                   Please join me in the Pledge of  
6 Allegiance.

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

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

12                   We have one item on the agenda  
13 today. It is application number 2016-11-2096,  
14 Mohammed Alam, 1 North Liberty Terrace, Block  
15 339, Lot 22. It's the R-3 Residential  
16 District.

17                   This is an application to,  
18 essentially, raise a home -- reconstruct a home  
19 that was damaged -- that will be raised after  
20 Sandy, Hurricane Sandy -- superstorm. Sorry.

21                   Mr. Dothe, you're here to present  
22 the application. Why don't you start? Get  
23 sworn in.

24                   And one first thing. Rob, we're  
25 good with notice?

1                   ROBERT REID: Yes. I've reviewed  
2 the service provided, and we have jurisdiction  
3 to hear this application.

4                   LANCE LANDGRAF: Craig, if you can  
5 get sworn in, and anybody that's going to  
6 speak.

7                   SCOTT COLLINS: Do you swear to  
8 tell the truth, the whole truth and nothing but  
9 the truth in your testimony before this body?

10                  LANCE LANDGRAF: Spell your last  
11 name for me, please.

12                  CRAIG DOTHE: D-O-T-H-E.

13                  LANCE LANDGRAF: Very good.

14                  CRAIG DOTHE: Craig Dothe, local  
15 architect. Been doing a lot of these.

16                  LANCE LANDGRAF: We'll accept  
17 Mr. Dothe as a professional architect in the  
18 State of New Jersey, and planner as well,  
19 professional planner.

20                  CRAIG DOTHE: I took a picture the  
21 other day of a house immediately behind the  
22 house that is in front of you today. This is  
23 one that you guys granted approval about eight  
24 or nine months ago. It's on Georgia Avenue;  
25 128.

1                   And what it is is --

2                   I took this picture just to show  
3 the excitement of what we're able to do  
4 throughout the city.

5                   There's a lot of these that are  
6 being built throughout the city. Some of them  
7 look rather impressive and some of them just --  
8 look like just something elevated.

9                   So, what we're trying to always  
10 sprinkle into it is as much architecture as we  
11 possibly can inside of the grant amount.

12                   The grant amount is \$150,000. Most  
13 clients have absolutely no dollars that they can  
14 commit additionally to it, so we're sort of  
15 always walking this line of trying to provide  
16 the absolute best product that we can, you know,  
17 and match that \$150,000 number.

18                   It's --

19                   I also need to --

20                   I mean, I don't want to get too far  
21 into the woods and that sort of thing about what  
22 we're doing. There's a lot of pieces on how  
23 this all kind of comes together.

24                   What happens is --

25                   The FEMA requirement is to elevate

1 it to elevation nine or what the municipality  
2 states is their requirement that allows the  
3 municipality and the state to add additional  
4 height to the requirement.

5 So, the state and the local have  
6 added two feet to it, combined. So, now we have  
7 to design it to elevation 11. Now, if we design  
8 it to elevation 11, then the IRC, the  
9 International Residential Code, requires us to  
10 build that first floor as flood resistant. And  
11 they define "flood resistant" as everything PT,  
12 pressure-treated, which is, you know, your  
13 structure itself, but also your flooring system,  
14 which is kind of ridiculous, because then you  
15 get the hardwood floors and that sort of thing,  
16 and you're not getting pressure-treated hardwood  
17 floors.

18 So, what ended up happening is,  
19 about eight months ago, I had a conversation  
20 over at planning, in Atlantic City, about going  
21 from the requirement of BFE plus two and  
22 stopping there on a by right type of lift and  
23 add another foot to it so that we can then build  
24 our first floor out of standard materials. It  
25 allows us to actually get the hardwood floors in



1 there. It actually allows us to get the  
2 insulation in there without having the spray  
3 foam and things like that.

4 What ended up happening is they  
5 gave that extra foot, but the requirement is  
6 still left at the BFE plus two, and that allows  
7 us to actually build these things. Because  
8 otherwise, we were running into this conflict  
9 with the building code that they did not  
10 foresee.

11 So, what we've been doing on all of  
12 these --

13 LANCE LANDGRAF: Craig, if I can  
14 ask a question.

15 Is that why the downbeach community  
16 went base flood plus three and Margate also went  
17 plus three, I believe?

18 CRAIG DOTHE: It could be.

19 The problem is, if you, as the  
20 municipality, said BFE plus three, then  
21 everybody has to design to BFE plus three on a  
22 by right. You're able to do it without going in  
23 front of zoning, which means you can't add  
24 anything to your BFE plus three or you can't  
25 take away without going to the zoning board.

1           So, what ended up happening is your  
2 BFE plus three, in a downbeach community, then  
3 says your building code says the requirement is  
4 now BFE plus three. So, now you still have to  
5 do all your flooring as PT. I don't know if  
6 they know that yet or if everyone is doing PT.

7           LANCE LANDGRAF: That doesn't make  
8 sense. You're above the Base Flood Elevation.

9           CRAIG DOTHE: It doesn't make  
10 sense.

11           LANCE LANDGRAF: We're getting into  
12 the weeds on this thing, but --

13           CRAIG DOTHE: It's okay to  
14 understand all the pieces and how they work, but  
15 once one municipality says this is your  
16 standard, they should then go and say, however,  
17 you're allowed to go this much higher without  
18 going in front of the zoning board. And if they  
19 don't say it that way, then their standard could  
20 be to the moon and you'd be doing it in  
21 pressure-treated.

22           LANCE LANDGRAF: Hopefully, soon  
23 we'll be rewriting some of our land use  
24 regulations. And we're going to take that into  
25 consideration so we know where we're going with

1 it, in coordinating with the city, if they're  
2 going to do the same thing in their  
3 jurisdiction. So, keep that in mind when we get  
4 to that.

5 CHRISTINE NAZZARO COFONE: Yes.

6 CRAIG DOTHE: It's one of the  
7 things that they're sort of just looking past  
8 right now. Because, in the beginning, when we  
9 first started doing it, they were looking past  
10 the requirement of the PT.

11 LANCE LANDGRAF: That might even  
12 take a sit down with yourself and, maybe, some  
13 other architects that do work in dealing with  
14 this.

15 CHRISTINE NAZZARO COFONE: Right.

16 CRAIG DOTHE: I've had sit downs in  
17 several instances because there's so many  
18 different things. Because everybody is,  
19 specifically, an expert at one small slice of  
20 it, but they don't understand how they all  
21 relate to each other.

22 CHRISTINE NAZZARO COFONE: The  
23 collective. Right.

24 LANCE LANDGRAF: So, with this  
25 application, you're here, seeking relief because

1 you're making the structure a little bit bigger,  
2 I guess?

3 CRAIG DOTHE: Generally speaking,  
4 theoretically, if you didn't recognize that  
5 foot, I would be here, adding, because we're  
6 adding that foot. I'd be here for all of the  
7 non-conforming aspects of the building.

8 So, I just bring it up for the  
9 education part of it, and also --

10 LANCE LANDGRAF: Because the  
11 governor's statute allows you to go base flood  
12 plus three without coming for variances if  
13 you're in the same spot, not enlarging the  
14 structure.

15 CRAIG DOTHE: It does? Okay.  
16 Well, then I take back what I just said.

17 CHRISTINE NAZZARO COFONE: You have  
18 to go up in the same --

19 If you enlarge it at all, you lose  
20 the benefit of the protection to go up.

21 CRAIG DOTHE: So, we are just here  
22 for the additions to the building.

23 LANCE LANDGRAF: Exactly.

24 CRAIG DOTHE: So, basically, what  
25 it is is, the proposed renovation requires four

1 variances. One is for lot coverage. The  
2 requirement is 40 percent principal lot coverage  
3 or 50 percent aggregate lot coverage. That's  
4 the requirement in the code. The existing is  
5 72.15 percent existing principal and 75.77  
6 aggregate. Because there's a small shed in the  
7 back.

8 Our proposed is 79.36 percent. And  
9 where that comes from is across the back --

10 And, Rob, you were there today.  
11 So, you saw how difficult it is to photograph  
12 back there, because everything is so tight.

13 ROBERT REID: It's tight together.  
14 Yes.

15 CRAIG DOTHE: So, what it is is,  
16 there's a shed back here, shown in the dashed  
17 line, which is up against the side property line  
18 and the rear property line. And we're proposing  
19 to eliminate that. And, in so doing, what  
20 happens is, the next line of our building is  
21 4.32, which is our principal building. It's a  
22 single-story portion of the building. It's a  
23 utility room right now, a rather, you know,  
24 crazy, long utility room. And what we're  
25 proposing to do to that utility room is add four

1 foot six to it towards the neighbor, creating a  
2 light row on the first floor.

3 And then we're proposing to do a  
4 second floor on there as well.

5 So, all of that requires a lot  
6 coverage variance, a rear yard setback  
7 requirement. Because the rear yard requirement  
8 in this zone is 25 feet.

9 This zone, R-3, is really hard to  
10 put your head around. Like who would write an  
11 ordinance that relates back to our city, in  
12 terms of the built environment, that says you're  
13 allowed to have zero side yard setbacks if  
14 you're in the R-3 zone? However, if you're at  
15 the end, you need 12-foot side yard setbacks.  
16 And yet, in the built environment, every end  
17 building is -- in the built environment, meaning  
18 100-year-old homes, there is no 12-foot side  
19 yard setback.

20 So, the side yard setback is an  
21 encumbrance on the building, which, you know, if  
22 you have almost 15-foot of total property, you'd  
23 only have a buildable area of three feet.

24 So, the ordinance --

25 And I have designed multiple --

1 brand new multiple buildings on blocks. And the  
2 program -- the way the R --

3           And this might be a good thing to  
4 enter into your list of things to modify  
5 regarding the R-3 zone. If you're building new,  
6 it makes sense to have a 25-foot rear yard  
7 setback, 12-foot front yard setback -- I'm sorry  
8 -- 10-foot front yard setback and 12-foot side  
9 yard setback. Because you take one great, big  
10 piece of ground and you make the ends the same  
11 15 feet, plus the 12, and that gives you the  
12 open space.

13           But, in our built environment,  
14 specifically throughout the city, every one of  
15 these brick houses, the end one looks just like  
16 all the middle ones, in terms of the lot size.

17           It's kind of one of those funny  
18 things where it's like, in the middle of the  
19 block, you're allowed to go to zero so you can  
20 have a 15-foot wide house. On the end, you can  
21 only have a three-foot.

22           So, obviously, the ordinance is --

23           ROBERT REID: The ordinance is  
24 intended for future development and didn't take  
25 into consideration these row homes were built in

1 1900. Sure.

2 CRAIG DOTHE: And we seem to be  
3 applying a new standard to a preexisting  
4 construction, at the detriment to specific  
5 property owners, which makes, really, no sense  
6 in terms of the zoning portion. So, every time  
7 we do one of these on the ends, we have a side  
8 yard setback requirement.

9 CHRISTINE NAZZARO COFONE: This is  
10 a significantly undersized lot as well. So,  
11 that complicates your issues here, too.

12 CRAIG DOTHE: Exactly. And part of  
13 that comes from --

14 You know, again, if we look at  
15 things new, we want big lots, because we want a  
16 rear yard and a front yard. They still want the  
17 house to be 1,200 square foot, 1,500 square  
18 foot, something normal to live in. And then  
19 what they do is they throw the front and rear  
20 into it, and that becomes the requirement for  
21 the size of the lot.

22 LANCE LANDGRAF: Existing  
23 non-conforming is throughout the current zoning.  
24 I mean, there's a lot.

25 CRAIG DOTHE: But, fortunately, we



1 interpret that we are allowed to carry that  
2 forward.

3 We're not asking for a variance for  
4 it, so it's never really gotten in the way.

5 LANCE LANDGRAF: Until you start  
6 lifting the homes and --

7 CHRISTINE NAZZARO COFONE: And  
8 adding to them. Right. Then you have to deal  
9 with it.

10 CRAIG DOTHE: And the adding to it  
11 is kind of important.

12 Right now, it's a two-bedroom  
13 house. It's a one bath. It doesn't have a  
14 dining room. It's an eat-in kitchen and a  
15 living room, stair, a bathroom, two bedrooms,  
16 and that's it, and the utility room. And maybe  
17 that made sense in the '20s. It doesn't --

18 You know, it's very difficult to  
19 live in this size house.

20 Every one of these that we try to  
21 lift we try to bring a standard to it. We put  
22 closets in the rooms. We do --

23 We make additions to it where we  
24 can, to make, basically, say, standard size  
25 rooms; 11.3 X 12.7 for a master. The middle

1 bedrooms get small because of the hallway  
2 requirements. So, you, basically, have a 10 X 8  
3 in this particular case. And then the bedroom  
4 on the back is a 10 X 11 and a half. So,  
5 that's, basically, a 10 X 12 kind of room.  
6 That's a standard kid's room. And a kid can  
7 grow up in that and have enough room for his  
8 things and be able to live in that room fine.

9           Each and every one of the rooms, we  
10 always integrate closets. Because that's  
11 something else. I used to live in one of these  
12 attached row homes, and my closet was this big.  
13 (Witness indicating.) It was ridiculous. You  
14 can't live in a modern way in one of those older  
15 homes. What it ends up doing is it puts  
16 pressure on the value of the structure and then  
17 the neighborhood itself, because, at that point,  
18 the value is less because it's less desirable to  
19 live in. And, therefore, that impacts the  
20 neighborhood and, of course, the city.

21           So, that's part of what we're  
22 trying to do. We're trying to modernize the  
23 floor plan, modernize the look and create a much  
24 more habitable space.

25           What we did on this particular case

1 is this house has got a three-foot wide alley on  
2 the left side, it's got Liberty Terrace on the  
3 front and it's got a small right-of-way across  
4 the back to be able to get trash cans out, which  
5 is very common in the city. Trash cans come  
6 forward.

7                   What ends up happening is it's  
8 attached on the right-hand side with a party  
9 wall. That party wall is only for a portion of  
10 the property, because, after that, the neighbor  
11 immediately to our right continued with his wall  
12 back on his property line as a brick-graded  
13 wall, but when he did his addition, he did it  
14 wrong.

15                   Nothing unusual. Like, say, 30, 35  
16 years ago, things like that -- 40 years ago, a  
17 lot of things were done wrong.

18                   He located windows along the  
19 property line. So, he encumbers the property to  
20 still be able to maintain that light and air  
21 that he is accustomed to.

22                   To make matters worse, he doesn't  
23 even live there. He's already lost the house.  
24 It's abandoned. It's been abandoned for years.  
25 But, those windows still exist.

1                   ROBERT REID: The windows don't  
2 conform to fire code, either, then, if they're  
3 on the property line.

4                   CRAIG DOTHE: They don't. But,  
5 they're allowed to continue to go forward.  
6 Grandfather is only if you did it correctly.  
7 But, in Atlantic City, if you did it  
8 incorrectly, you're still grandfathered.

9                   It puts pressure on us building it  
10 according to the building codes on our side,  
11 because now we're going to give him three feet.  
12 That gives the firemen access to those bedrooms,  
13 because they're bedroom windows. They have to  
14 be escape windows. So, now, if they jump out  
15 the window, we have to give them a space they  
16 can jump onto. Or, if a fireman has to go in  
17 there and erect a ladder, we have to give him  
18 enough space. Plus, you need natural light and  
19 ventilation.

20                   What we did was we had to locate  
21 the small addition to the building, which -- on  
22 the left rear corner, providing a three-foot  
23 strip along there for his light and air. So,  
24 that's like --

25                   LANCE LANDGRAF: The right rear

1 corner?

2 CRAIG DOTHE: On the right rear  
3 corner, for the air.

4 So, what it ends up doing is that  
5 ends up putting -- encumbers our site even more  
6 and making it more difficult to actually do the  
7 project.

8 Also, in the front, there's a porch  
9 with a roof over it. So, it counts as coverage,  
10 which only has like two steps up, which is real  
11 easy. They don't take up that much space. But,  
12 once we lift these houses, we end up with rather  
13 significant steps. We have to cut our porch,  
14 basically, you know --

15 Say 40 percent of our porch we're  
16 cutting off in order to provide enough space for  
17 the stair, because we need to get in and out of  
18 this house without having to put the step on the  
19 public right-of-way, which we can't do.

20 And secondly -- and I've seen  
21 people do this. They'll come in at grade and go  
22 up a stair, into the house. It's a very bad way  
23 of getting in and out of your house, because, if  
24 the floods come, they come in, and they get into  
25 your stair. They get into your drywall around

1 the stair. You've got heating in there.

2 The flood ordinance allows you to  
3 do it, so people are doing it, but every day you  
4 walk down there and you smell the bacterial  
5 growth on everything.

6 It's not a good idea. So, I've  
7 been putting all the stairs on the outside.  
8 What ends up happening is, it forces us to make  
9 their front porch smaller than it presently is.  
10 In so doing, what it is is their existing front  
11 yard setback to the edge of their porch is .64  
12 feet. So, it's really de minimis. It's seven  
13 inches. It's almost not noticeable.

14 So, since we are making all of  
15 these changes on the front and providing a new  
16 foundation for it anyway, we just lined up the  
17 porch with the existing property line and added  
18 that seven inches to the people's porch.  
19 Because we're taking off like five feet going in  
20 the opposite direction.

21 So, we're asking for a front yard  
22 variance as a result of that.

23 LANCE LANDGRAF: Craig, if we can  
24 go back to the stairwell, the area you spoke  
25 about with the windows along the right-hand

1 side. Looking at the plans, I'm seeing that  
2 there's stairs that you're adding from your  
3 first floor; a landing, and then stairs going  
4 down.

5 CRAIG DOTHE: Yes.

6 LANCE LANDGRAF: Doesn't that block  
7 the access going back in there?

8 CRAIG DOTHE: No, because what  
9 would happen is, this is the right-of-way right  
10 here. So, they would just come here, like as  
11 far as getting out of those windows, and they'd  
12 be able to access those windows from going up a  
13 ladder.

14 LANCE LANDGRAF: They're not at  
15 grade, the windows next door are not at grade?

16 CRAIG DOTHE: They're on the second  
17 floor.

18 LANCE LANDGRAF: Then I'm fine. I  
19 thought they were at grade. But, they're up.

20 CRAIG DOTHE: Got you.

21 And you can't go back there and see  
22 it, because it's all kind of boarded up and  
23 everything.

24 LANCE LANDGRAF: I get you. Thank  
25 you.

1                   CRAIG DOTHE:   You're welcome.

2                   We did put a front and a rear door,  
3 because we try to do that wherever possible. We  
4 locate the compressor on the deck level. So, we  
5 build a deck, and it serves two useful  
6 purposes. It holds the compressor above flood  
7 and it also provides a landing to be able to get  
8 out.

9                   The room sizes, like I was talking  
10 about, on the second floor are decent.

11                  On the first floor, we end up with  
12 an eat-in kitchen, washer -- space for washer  
13 and dryer, furnace, hot water heater, a bath on  
14 the first floor, you know, a window by the  
15 table, that sort of thing, a dining room as well  
16 as a living room.

17                  Come up the stair, you have three  
18 bedrooms and a bath upstairs.

19                  I think the plan, itself,  
20 integrates and creates a nice modern layout.  
21 It's open and it can get as much light in as  
22 possible, you know, from the front as well as  
23 the rear, because we're not allowed to have  
24 windows along the side, because we're less than  
25 three foot to the property line.



1                   However, since we have a couple  
2 windows, I'm allowed to keep them. So, even  
3 though they're brand new windows and in a brand  
4 new location, up to this point, the city and the  
5 IRC allows us to continue to use them. So,  
6 we're allowed to get a few windows on that side  
7 as well.

8                   LANCE LANDGRAF: Even though that's  
9 an alley?

10                  CRAIG DOTHE: Yeah. It's a weird  
11 thing. Alleys, right-of-ways, they're all kind  
12 of looked at differently. Streets.

13                  LANCE LANDGRAF: If it was a  
14 street, you'd be allowed to have windows?

15                  CRAIG DOTHE: What they do is they  
16 measure to the center of the street. So, even  
17 if it's a street and it's a very narrow street,  
18 you go to the center. And you might not if it  
19 was only real thin, because that's sort of what  
20 an alley is.

21                  Some of these alleys are owned by  
22 the city. So, if it's a three-foot wide alley,  
23 it's only a foot and a half to the center of it.  
24 So, you still can't get windows in there.

25                  LANCE LANDGRAF: Okay. Thank you.

1                   CRAIG DOTHE:   You're welcome.

2                   It gets crazy how many different  
3 things that you have to continue to integrate  
4 into the final solution.

5                   What we have --

6                   We discussed --

7                   On the plans that you have, we  
8 showed the roof. We always have to deal with  
9 rainwater, rainwater in two forms. One is,  
10 we're not allowed to dump onto our neighbors'  
11 roofs, as well as their property. What we do is  
12 we cant the roof away from our neighbor. And  
13 it's done. Now, any rain that hits our wall is  
14 allowed to run onto his roof, but no roof water  
15 is allowed to run onto his property. So, what  
16 we do is we, generally, cant the roof away and  
17 then we gutter it and bring down downspouts so  
18 that we're not like throwing the water all  
19 around the place.

20                   That's actually part of the energy  
21 code as well. Because it really diminishes the  
22 ability of the building to withstand, you know,  
23 the elements, because it's always wet every time  
24 something drips off the edge of the roof. So,  
25 that's one of the things about gutters and

1       downspouts. It's very important.

2                       Then what we do is collect the  
3       water on the gutter and then downspout. And  
4       then it enters into the regular surface runoff  
5       that takes place in the back of Liberty  
6       Terrace.

7                       When I first came in here and  
8       everything and I was talking to Lance and -- he  
9       was responding, I guess, to, primarily, the  
10      height of that wall that we have against the  
11      party wall.

12                      Also, the picture I showed of  
13      Georgia, it showed a roof going up and a roof  
14      going down. So, it shed the water front and  
15      back. What that does is that diminishes the  
16      overall height of the difference between where  
17      the cornices are for our proposed versus where  
18      our existing is.

19                      I have no trouble amending the  
20      plans to take away this shed roof and then go  
21      with an up and over roof. And we'll take care  
22      of that on the -- when we do the six sets of  
23      final plan certification.

24                      LANCE LANDGRAF: Thank you for  
25      that. That's something that I think will work

1 better with that neighborhood character; not be  
2 the flat roofs of the older structures, but at  
3 least blend it in a little bit better and give  
4 it, I think, some -- reduce the mass, I think,  
5 on that.

6 CHRISTINE NAZZARO COFONE: I agree  
7 with Lance.

8 And you are asking for some  
9 variance relief in expanding the dwelling. So,  
10 I think it's appropriate to do those  
11 modifications.

12 CRAIG DOTHE: And I think it makes  
13 sense that everybody has a say in where we go  
14 with this, you know, but I'd like to think that  
15 we can always come up with a better mousetrap.  
16 So, if you point me in a direction, I can come  
17 up with that as well. And then if that  
18 diminishes another issue that we were creating  
19 before, that's not a bad thing.

20 As far as --

21 You know, I don't want to get --

22 Like I said, I'm trying to keep  
23 this quick.

24 But, in terms of the municipal land  
25 use, we're kind of obligated with the c(1) and

1 c(2) to show justification. And it's in your  
2 report and everything --

3 CHRISTINE NAZZARO COFONE: Yes, it  
4 is.

5 CRAIG DOTHE: -- about how  
6 important it is that we bring this up.

7 Obviously, it's a c(1) variance  
8 hardship, since the maximum square footage of  
9 the house that we would be allowed to build, if  
10 we were to build a brand new house on this site,  
11 would be something in the neighborhood of 70  
12 square feet.

13 And the reason --

14 CHRISTINE NAZZARO COFONE: For  
15 birds. You could build a lovely birdhouse.

16 CRAIG DOTHE: Dogs would love it.

17 CHRISTINE NAZZARO COFONE: 70  
18 square feet is too small for dogs. The birds  
19 might love it.

20 CRAIG DOTHE: It's a three-foot  
21 wide strip along the side of the party wall, and  
22 then you come in ten feet from the front, and  
23 you come in 25 from the rear. So, you end up  
24 with an extremely small area. So, obviously --

25 CHRISTINE NAZZARO COFONE: It's a

1 16.1-foot lot. So, the lot is undersized. It's  
2 undersized with respect to width and area.

3 So, you really do have practical  
4 difficulties here in creating a conforming  
5 structure on the property. It's impossible to  
6 create a habitable conforming structure on this  
7 lot.

8 CRAIG DOTHE: That is 100 percent  
9 correct.

10 And I think this property is very  
11 interesting, because it's the R-3, it's the end  
12 of the R-3.

13 This problem was not created  
14 naturally. It was created specifically by the  
15 ordinance that thinks in terms of new  
16 construction in the R-3 zone, in terms of  
17 setbacks as opposed to the existing conditions.

18 LANCE LANDGRAF: And not individual  
19 new construction, complete new construction of  
20 the area.

21 CRAIG DOTHE: Because I had the  
22 same problem with brand new on a single. So,  
23 this is totally a made up problem that we --  
24 that threw an additional hardship onto the  
25 application.

1           It was 73 square feet, actually.

2           The variance, in my opinion, as far  
3 as the c(2) requirements, the variance's  
4 benefits certainly outweigh the detriments.

5           Let's talk about what we,  
6 specifically, have right now. We have an 80 --  
7 90-year-old home, brick home. Flat roof, few  
8 windows, very small inside. So, it's -- it  
9 doesn't promote family structure, habitability  
10 inside, presently. It's six and a half feet --  
11 1988 datum -- when the requirement from FEMA is  
12 nine and the requirement locally is 11.

13           This means that anything that we do  
14 to renovate this structure sometime in the  
15 future, whether it's putting a new roof on it,  
16 putting siding on it, you know, changing the  
17 drywall out, or whatever we do, it represents a  
18 substantial damage -- or a substantial  
19 improvement to the structure, because the value  
20 of the structure is related back to the tax  
21 requirements, you know, the department in  
22 Atlantic City where they rate the structure in  
23 terms of its value.

24           Part of that calculation is the  
25 fact that it's a very small house on a -- back

1 on Liberty Terrace and that it's below the BFE.  
2 And so they rate the physical buildings as being  
3 valued a very low number. So, that means, in  
4 the future, to me, that's a construction  
5 liability.

6 If you owned the house and you say,  
7 wow, I want to knock this wall out and do  
8 such-and-such or I want to expand the interior  
9 or do something with it and you go to get a  
10 building permit, you're not allowed to.

11 If the government handcuffs you  
12 from being able to renovate your building in the  
13 future, that negatively impacts the value of the  
14 structure and the neighborhood, as well as the  
15 city itself. So, as far as I'm concerned, that,  
16 by itself, is enough reason.

17 But, there's so many more things  
18 that benefits -- the proposed development  
19 benefits, and that is, it helps the community  
20 rating program. It's like we're taking  
21 something from six and a half and we're moving  
22 it up to 13. Now, this, by itself, isn't enough  
23 to adjust the numbers, but this, coupled with a  
24 lot of other projects, does. And all that does  
25 is help Atlantic City pay its bills on its flood



1 insurance and it helps lower the rate that  
2 everybody has to pay in flood insurance.

3 There's like hardships that are --  
4 you can break them up into, say, three different  
5 categories; hardships to the homeowner,  
6 hardships to the neighborhood and hardships to  
7 the town. And in this particular case, we have  
8 a two-bedroom house. We're making it a  
9 three-bedroom house. So, in my opinion, we're  
10 removing a hardship in that case.

11 Bathrooms, we have one. We're  
12 making it two. So, now we have one on each  
13 level, so you don't have to go up the stairs  
14 every time you have to utilize the facilities.

15 Dining room, there is none and,  
16 right now, we're providing one.

17 The existing square footage is 924  
18 square feet and we're bringing it up to a whole  
19 1,259 square feet. It's actually getting to the  
20 point of habitable. So, it's about the best we  
21 can come up with, square footage-wise, in  
22 rooms. Like I said before, we're moving it from  
23 6.4 feet, datum '88, to 12.

24 The flood insurance premium to the  
25 homeowner with a mortgage, once -- when all the

1 subsidies are gone, would be more than their  
2 mortgage. So, the flood insurance rates at  
3 market, once -- when it's all brought to market  
4 -- because they're slowly bringing it to market  
5 --

6 So, we can be five years from this  
7 being like a full market situation. They could  
8 be looking at a flood insurance rate of  
9 something like \$20,000 a year. It's like a  
10 crazy number. That's more than what their  
11 mortgage is. They, obviously, can't afford the  
12 flood insurance at that point. But, they have a  
13 mortgage. So, the mortgage company requires it.  
14 So, what do they do? They board up the house  
15 and leave. And this is going to be our future  
16 if we don't lift these houses. So,  
17 individually, that's huge.

18 To lose your house has got to be  
19 one of the most disturbing things that could  
20 ever happen to a family. But, in this  
21 particular case, because they got involved in  
22 the program, they're going to avoid that.  
23 Because we now are building at three feet above  
24 the requirement of the FEMA, they will qualify  
25 for the maximum discount that the flood

1 insurance gives them. So, obviously, that's a  
2 benefit specifically to them.

3 They get a new house. All the  
4 mechanicals have to be high efficiency. So,  
5 we're going from low efficiency to high  
6 efficiency. Obviously, that's good for their  
7 pocketbook.

8 It's also good for our country.

9 As far as the neighborhood is  
10 concerned, once we start sprinkling a few of  
11 these throughout neighborhoods, I think we put  
12 pressure on everybody else to have to start to  
13 follow suit.

14 It's possible that Atlantic City  
15 could just completely transform itself in the  
16 next 10, 15, 20 years. That's what we hope to  
17 do. That's why we go to work. We're trying to  
18 make this town that much better.

19 I think the aesthetic enhancement  
20 increases its value, increases the values to the  
21 structures around it. Because who would buy in  
22 a neighborhood where no activity is taking place  
23 that has a FEMA liability? Nobody. But, who  
24 would buy next to stuff like this when they also  
25 have a vision of, possibly, doing a similar

1 thing to their house some day in the future?

2 I think it increases the value of  
3 not only the structure itself, but everybody's  
4 structure around it. It also provides the grant  
5 money, which is, basically, money from heaven.  
6 It comes all the way from Washington, D.C. And  
7 it's up to us to spend it its best possible  
8 way.

9 It's being constructed by local  
10 people, so it's adding to our economy at a time  
11 when Atlantic City's economy is not that great.

12 I think, from a c(2) perspective --  
13 I know I got kind of far in that, but I think  
14 this is a no-brainer, you know, and I hope you  
15 agree.

16 LANCE LANDGRAF: Thank you.

17 I will go to Christine. If you  
18 want to highlight your report.

19 CHRISTINE NAZZARO COFONE: Yes.

20 I think, clearly, this is a c(1)  
21 hardship case. I think, with a lot that's so  
22 significantly undersized, it, clearly,  
23 represents a hardship and a practical difficulty  
24 for the applicant to comply with the R-3  
25 standard.

1 I do think the applicant has  
2 satisfied the burden of proof.

3 One of the purposes of the  
4 Municipal Land Use Law, purpose B, is to secure  
5 safety from flooding. So, the raising of this  
6 structure is certainly consistent with that  
7 purpose.

8 I also think, with the suggestions  
9 made from Mr. Landgraf, based on his  
10 observations and knowledge of the area, as well  
11 as the photographs that were taken by Mr. Reid,  
12 which do show that the dwelling that was  
13 proposed in conjunction with this application  
14 originally, the roof lines could be made more  
15 compatible with the area. I think you  
16 represented on the record this morning a  
17 willingness to do that.

18 I think, with those modifications  
19 and those incorporations, you could also rely on  
20 criteria "I" of the land use law, which is a  
21 desirable visual environment.

22 So, I think that, certainly, your  
23 statutory burden of proof with respect to the  
24 positive criteria would be satisfied for the  
25 grant of the variance relief, if it weren't a

1 c(1) hardship case, regardless.

2 So, I also think, as far as the  
3 negative criteria, your testimony clearly  
4 indicates that the variance relief can be  
5 granted with no substantial detriment to the  
6 surrounding properties or the public good.

7 And I do agree with you that it's  
8 this type of development that can often be the  
9 spark or the motivation to have other  
10 developments occur in the area. I think,  
11 certainly, that benefits the community as well.

12 CRAIG DOTHE: Thank you.

13 LANCE LANDGRAF: We'll mark  
14 Christine's report B-1, which is a letter dated  
15 December 8, 2016.

16

17 (Exhibit B-1 is marked for  
18 identification.)

19

20 SCOTT COLLINS: I'd also like to  
21 mark the application materials as A-1

22 Everything that you've referred to  
23 is contained in the submission packet.

24 Correct?

25

1                   (Exhibit A-1 is marked for  
2                   identification.)

3

4                   CRAIG DOTHE: With the exception of  
5 this photo of the adjoining structure.

6                   SCOTT COLLINS: We'll mark that  
7 A-2.

8                   (Exhibit A-2 is marked for  
9                   identification.)

10

11                   CRAIG DOTHE: And the overall  
12 neighborhood, which I didn't even get into.

13                   LANCE LANDGRAF: It helps, though.  
14 It shows --

15                   CHRISTINE NAZZARO COFONE: It shows  
16 the roofs. Exactly your concern, Lance. A-2  
17 clearly shows the roof lines that you were  
18 concerned about.

19                   So, I think it's good that we have  
20 it in the record.

21                   CRAIG DOTHE: That's why I didn't  
22 want to show it to him.

23                   CHRISTINE NAZZARO COFONE: You  
24 shouldn't have brought it if you didn't want to  
25 show it.

1                   LANCE LANDGRAF: We jumped in quick  
2 because we want to make sure we're out of here  
3 by noon.

4                   CHRISTINE NAZZARO COFONE: We can  
5 do it again three times.

6                   LANCE LANDGRAF: We'll open this  
7 hearing up to the public.

8                   Anybody in the public wish to speak  
9 about this application?

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

12                   With that, Rob, we're good?

13                   ROBERT REID: Yes, we are.

14                   LANCE LANDGRAF: Nothing else from  
15 the CRDA board?

16                   Thank you, Craig, for the  
17 presentation.

18                   We'll draft our hearing officer  
19 report.

20                   And our meeting -- next meeting,  
21 next land use meeting, is January 19.

22                   But, our next board meeting will be  
23 February 21. And this will be on that agenda.

24                   CRAIG DOTHE: Thank you.

25                   LANCE LANDGRAF: I will try and get



1 it on our January 17 board meeting, but I know  
2 that's a heavy lift; to get it in that time  
3 frame. But, I will try.

4 CRAIG DOTHE: And we'll wait for  
5 the report before we give you back the final  
6 plan cert?

7 LANCE LANDGRAF: If you'd like,  
8 yeah.

9 CRAIG DOTHE: Or do you want --  
10 because there is a design change, do you want me  
11 to make the design change and get you six sets?

12 LANCE LANDGRAF: Wait until we get  
13 our board approved on it.

14 If you at least get us a sketch  
15 showing this change, that roof line change so I  
16 can put that in my package to the board, they're  
17 going to want to see that.

18 CRAIG DOTHE: Absolutely.

19 LANCE LANDGRAF: This was a concern  
20 they brought up to me on a few past applications  
21 -- not yours -- this roof line issue. So,  
22 that's why I brought it to your attention.

23 And I think that's a great solution  
24 to it.

25 CRAIG DOTHE: Great. Thank you.

1 CHRISTINE NAZZARO COFONE: Since  
2 you're doing a lot of these now, you have this  
3 information for a go-forward basis.

4 CRAIG DOTHE: Thank you.

5 LANCE LANDGRAF: With that, we'll  
6 -- with no further public comments, we'll close  
7 the meeting.

8 And again, I indicated we meet  
9 again on January 19, at 10:00 a.m.

10 We're adjourned. Thank you.

11

12 (This public hearing concluded at  
13 10:40 A.M.)

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C E R T I F I C A T E

I, NANCY L. DELANEY, a Certified Court Reporter and Notary Public, do hereby certify that the foregoing is a true and accurate transcript of the stenographic notes of the testimony taken by me at the time, place and on the date hereinbefore set forth.

I do further certify that I am neither a relative nor employee, nor attorney, nor counsel to any parties to this action; and that I am neither related to a relative nor employee of any such attorney or counsel, and that I am not financially interested in this action.

\_\_\_\_\_, CCR  
NANCY L. DELANEY, CCR, RMR, CRR  
Certificate No. XI0001692

<p style="text-align: center;"><b>A</b></p> <p><b>abandoned</b> 19:24,24  <b>ability</b> 26:22  <b>able</b> 7:3 9:22 18:8 19:4,20  23:12 24:7 32:12  <b>about</b> 6:23 7:21 8:19,20 22:25  24:10 26:25 29:5 31:5 33:20  39:18 40:9  <b>above</b> 2:6 10:8 24:6 34:23  <b>above-referenced</b> 2:2  <b>absolute</b> 7:16  <b>absolutely</b> 7:13 41:18  <b>accept</b> 6:16  <b>access</b> 20:12 23:7,12  <b>accordance</b> 5:10  <b>according</b> 20:10  <b>accurate</b> 43:7  <b>accustomed</b> 19:21  <b>across</b> 13:9 19:3  <b>Act</b> 5:11  <b>action</b> 43:12,16  <b>activity</b> 35:22  <b>actually</b> 8:25 9:1,7 21:6 26:20  31:1 33:19  <b>add</b> 8:3,23 9:23 13:25  <b>added</b> 8:6 22:17  <b>adding</b> 12:5,6 17:8,10 23:2  36:10  <b>addition</b> 19:13 20:21  <b>additional</b> 8:3 30:24  <b>additionally</b> 7:14  <b>additions</b> 12:22 17:23  <b>adjoining</b> 39:5  <b>adjourned</b> 42:10  <b>adjust</b> 32:23  <b>aesthetic</b> 35:19  <b>afford</b> 34:11  <b>after</b> 5:19 19:10  <b>again</b> 16:14 40:5 42:8,9  <b>against</b> 13:17 27:10  <b>agenda</b> 5:12 40:23  <b>aggregate</b> 13:3,6  <b>ago</b> 6:24 8:19 19:16,16  <b>agree</b> 28:6 36:15 38:7  <b>air</b> 19:20 20:23 21:3  <b>Alam</b> 1:11 5:14  <b>Allegiance</b> 5:6,7  <b>alley</b> 19:1 25:9,20,22  <b>alleys</b> 25:11,21  <b>allowed</b> 10:17 14:13 15:19  17:1 20:5 24:23 25:2,6,14  26:10,14,15 29:9 32:10  <b>allows</b> 8:2,25 9:1,6 12:11 22:2  25:5  <b>almost</b> 14:22 22:13  <b>along</b> 19:18 20:23 22:25 24:24  29:21  <b>already</b> 19:23</p>	<p><b>always</b> 7:9,15 18:10 26:8,23  28:15  <b>amending</b> 27:19  <b>amount</b> 7:11,12  <b>AND/OR</b> 4:8  <b>another</b> 8:23 28:18  <b>anybody</b> 6:5 40:8  <b>anything</b> 9:24 31:13  <b>anyway</b> 22:16  <b>APPEARANCES</b> 2:11  <b>applicant</b> 36:24 37:1  <b>application</b> 5:13,17,22 6:3  11:25 30:25 37:13 38:21  40:9  <b>applications</b> 41:20  <b>applying</b> 16:3  <b>appropriate</b> 28:10  <b>approval</b> 6:23  <b>approved</b> 41:13  <b>architect</b> 6:15,17  <b>architects</b> 11:13  <b>architecture</b> 7:10  <b>area</b> 14:23 22:24 29:24 30:2  30:20 37:10,15 38:10  <b>around</b> 14:10 21:25 26:19  35:21 36:4  <b>asking</b> 17:3 22:21 28:8  <b>aspects</b> 12:7  <b>Atlantic</b> 1:15 2:4 8:20 20:7  31:22 32:25 35:14 36:11  <b>attached</b> 18:12 19:8  <b>attention</b> 41:22  <b>attorney</b> 43:11,14  <b>AUTHORITY</b> 1:1 2:3,12  <b>Avenue</b> 2:4 6:24  <b>avoid</b> 34:22  <b>away</b> 9:25 26:12,16 27:20  <b>A-1</b> 4:9 38:21 39:1  <b>A-2</b> 4:11 39:7,8,16  <b>a.m</b> 2:7 42:9,13</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>B</b> 2:14 37:4  <b>back</b> 12:16 13:7,9,12,16 14:11  18:4 19:4,12 22:24 23:7,21  27:5,15 31:20,25 41:5  <b>bacterial</b> 22:4  <b>bad</b> 21:22 28:19  <b>Baer</b> 5:11  <b>base</b> 9:16 10:8 12:11  <b>based</b> 37:9  <b>basically</b> 12:24 17:24 18:2,5  21:14 36:5  <b>basis</b> 42:3  <b>bath</b> 17:13 24:13,18  <b>bathroom</b> 17:15  <b>Bathrooms</b> 33:11  <b>becomes</b> 16:20</p>	<p><b>bedroom</b> 18:3 20:13  <b>bedrooms</b> 17:15 18:1 20:12  24:18  <b>before</b> 2:5 6:9 28:19 33:22  41:5  <b>beginning</b> 11:8  <b>behind</b> 6:21  <b>being</b> 2:7 7:6 32:2,12 34:7  36:9  <b>believe</b> 9:17  <b>below</b> 32:1  <b>benefit</b> 12:20 35:2  <b>benefits</b> 31:4 32:18,19 38:11  <b>best</b> 7:16 33:20 36:7  <b>better</b> 28:1,3,15 35:18  <b>between</b> 27:16  <b>BFE</b> 8:21 9:6,20,21,24 10:2,4  32:1  <b>big</b> 15:9 16:15 18:12  <b>bigger</b> 12:1  <b>bills</b> 32:25  <b>birdhouse</b> 29:15  <b>birds</b> 29:15,18  <b>bit</b> 12:1 28:3  <b>blend</b> 28:3  <b>block</b> 1:14 5:14 15:19 23:6  <b>blocks</b> 15:1  <b>board</b> 3:1 9:25 10:18 34:14  40:15,22 41:1,13,16  <b>boarded</b> 23:22  <b>body</b> 6:9  <b>brand</b> 15:1 25:3,3 29:10 30:22  <b>break</b> 33:4  <b>brick</b> 15:15 31:7  <b>brick-graded</b> 19:12  <b>bring</b> 12:8 17:21 26:17 29:6  <b>bringing</b> 33:18 34:4  <b>brought</b> 34:3 39:24 41:20,22  <b>build</b> 8:10,23 9:7 24:5 29:9,10  29:15  <b>buildable</b> 14:23  <b>building</b> 9:9 10:3 12:7,22  13:20,21,22 14:17,21 15:5  20:9,10,21 26:22 32:10,12  34:23  <b>buildings</b> 15:1 32:2  <b>built</b> 7:6 14:12,16,17 15:13,25  <b>burden</b> 37:2,23  <b>buy</b> 35:21,24  <b>Byron</b> 5:11  <b>B-1</b> 4:14 38:14,17</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>C</b> 1:12 43:1,1  <b>calculation</b> 31:24  <b>call</b> 5:1  <b>came</b> 27:7  <b>cans</b> 19:4,5</p>	<p><b>cant</b> 26:12,16  <b>care</b> 27:21  <b>carry</b> 17:1  <b>case</b> 18:3,25 33:7,10 34:21  36:21 38:1  <b>CASINO</b> 1:1 2:2,12  <b>categories</b> 33:5  <b>CCR</b> 2:6 43:20,21  <b>center</b> 25:16,18,23  <b>cert</b> 41:6  <b>certainly</b> 31:4 37:6,22 38:11  <b>Certificate</b> 43:22  <b>certification</b> 27:23  <b>Certified</b> 2:5 43:4  <b>certify</b> 43:6,10  <b>Chairman</b> 2:14  <b>change</b> 41:10,11,15,15  <b>changes</b> 22:15  <b>changing</b> 31:16  <b>character</b> 28:1  <b>Christine</b> 3:5 11:5,15,22  12:17 16:9 17:7 28:6 29:3  29:14,17,25 36:17,19 39:15  39:23 40:4 42:1  <b>Christine's</b> 38:14  <b>city</b> 1:15 2:4 7:4,6 8:20 11:1  14:11 15:14 18:20 19:5 20:7  25:4,22 31:22 32:15,25  35:14  <b>City's</b> 36:11  <b>clearly</b> 36:20,22 38:3 39:17  <b>clients</b> 7:13  <b>close</b> 40:10 42:6  <b>closet</b> 18:12  <b>closets</b> 17:22 18:10  <b>code</b> 8:9 9:9 10:3 13:4 20:2  26:21  <b>codes</b> 20:10  <b>Cofone</b> 3:5,5 11:5,15,22 12:17  16:9 17:7 28:6 29:3,14,17  29:25 36:19 39:15,23 40:4  42:1  <b>collect</b> 27:2  <b>collective</b> 11:23  <b>COLLINS</b> 3:3 6:7 38:20 39:6  <b>combined</b> 8:6  <b>come</b> 19:5 21:21,24,24 23:10  24:17 28:15,16 29:22,23  33:21  <b>comes</b> 7:23 13:9 16:13 36:6  <b>coming</b> 12:12  <b>commencing</b> 2:7  <b>comments</b> 42:6  <b>commit</b> 7:14  <b>common</b> 19:5  <b>community</b> 9:15 10:2 32:19  38:11  <b>company</b> 34:13</p>
--	--	---	--

<p><b>compatible</b> 37:15  <b>complete</b> 30:19  <b>completely</b> 35:15  <b>complicates</b> 16:11  <b>comply</b> 36:24  <b>compressor</b> 24:4,6  <b>concern</b> 39:16 41:19  <b>concerned</b> 32:15 35:10 39:18  <b>concluded</b> 42:12  <b>conditions</b> 30:17  <b>conflict</b> 9:8  <b>conform</b> 20:2  <b>conforming</b> 30:4,6  <b>conjunction</b> 37:13  <b>consideration</b> 10:25 15:25  <b>consistent</b> 37:6  <b>constructed</b> 36:9  <b>construction</b> 16:4 30:16,19,19  32:4  <b>Consulting</b> 3:5  <b>contained</b> 38:23  <b>continue</b> 20:5 25:5 26:3  <b>continued</b> 19:11  <b>conversation</b> 8:19  <b>coordinating</b> 11:1  <b>corner</b> 20:22 21:1,3  <b>cornices</b> 27:17  <b>correct</b> 30:9 38:24  <b>correctly</b> 20:6  <b>counsel</b> 43:12,14  <b>country</b> 35:8  <b>counts</b> 21:9  <b>couple</b> 25:1  <b>coupled</b> 32:23  <b>course</b> 18:20  <b>Court</b> 2:6 43:5  <b>coverage</b> 13:1,2,3 14:6 21:9  <b>Craig</b> 4:4 6:4,12,14,14,20  9:13,18 10:9,13 11:6,16  12:3,15,21,24 13:15 16:2,12  16:25 17:10 20:4 21:2 22:23  23:5,8,16,20 24:1 25:10,15  26:1 28:12 29:5,16,20 30:8  30:21 38:12 39:4,11,21  40:16,24 41:4,9,18,25 42:4  <b>crazy</b> 13:24 26:2 34:10  <b>CRDA</b> 5:2 40:15  <b>create</b> 18:23 30:6  <b>created</b> 30:13,14  <b>creates</b> 24:20  <b>creating</b> 14:1 28:18 30:4  <b>criteria</b> 37:20,24 38:3  <b>CRR</b> 43:21  <b>current</b> 16:23  <b>cut</b> 21:13  <b>cutting</b> 21:16  <b>c(1)</b> 28:25 29:7 36:20 38:1  <b>c(2)</b> 29:1 31:3 36:12</p>	<p style="text-align: center;"><b>D</b></p> <hr/> <p><b>D</b> 4:1  <b>damage</b> 31:18  <b>damaged</b> 5:19  <b>DANZIG</b> 3:3  <b>dashed</b> 13:16  <b>date</b> 2:6 43:9  <b>dated</b> 38:14  <b>datum</b> 31:11 33:23  <b>day</b> 6:21 22:3 36:1  <b>de</b> 22:12  <b>deal</b> 17:8 26:8  <b>dealing</b> 11:13  <b>December</b> 38:15  <b>decent</b> 24:10  <b>deck</b> 24:4,5  <b>define</b> 8:11  <b>Delaney</b> 2:5 43:4,21  <b>department</b> 2:15 31:21  <b>design</b> 8:7,7 9:21 41:10,11  <b>designed</b> 14:25  <b>desirable</b> 18:18 37:21  <b>detriment</b> 16:4 38:5  <b>detriments</b> 31:4  <b>development</b> 1:1 2:3,12 15:24  32:18 38:8  <b>developments</b> 38:10  <b>difference</b> 27:16  <b>different</b> 11:18 26:2 33:4  <b>differently</b> 25:12  <b>difficult</b> 13:11 17:18 21:6  <b>difficulties</b> 30:4  <b>difficulty</b> 36:23  <b>diminishes</b> 26:21 27:15 28:18  <b>dining</b> 17:14 24:15 33:15  <b>direction</b> 22:20 28:16  <b>Director</b> 2:15  <b>discount</b> 34:25  <b>discussed</b> 26:6  <b>District</b> 5:16  <b>disturbing</b> 34:19  <b>DIVISION</b> 1:4  <b>dogs</b> 29:16,18  <b>doing</b> 6:15 7:22 9:11 10:6,20  11:9 13:19 18:15 21:4 22:3  22:10 35:25 42:2  <b>dollars</b> 7:13  <b>done</b> 19:17 26:13  <b>door</b> 23:15 24:2  <b>Dothe</b> 4:4 5:21 6:12,14,14,17  6:20 9:18 10:9,13 11:6,16  12:3,15,21,24 13:15 16:2,12  16:25 17:10 20:4 21:2 23:5  23:8,16,20 24:1 25:10,15  26:1 28:12 29:5,16,20 30:8  30:21 38:12 39:4,11,21  40:24 41:4,9,18,25 42:4  <b>down</b> 11:12 22:4 23:4 26:17</p>	<p>27:14  <b>downbeach</b> 9:15 10:2  <b>downs</b> 11:16  <b>downspout</b> 27:3  <b>downspouts</b> 26:17 27:1  <b>draft</b> 40:18  <b>drips</b> 26:24  <b>dryer</b> 24:13  <b>drywall</b> 21:25 31:17  <b>dump</b> 26:10  <b>dwelling</b> 1:13 28:9 37:12  <b>D-O-T-H-E</b> 6:12  <b>D.C</b> 36:6</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>E</b> 4:1 43:1,1  <b>each</b> 11:21 18:9 33:12  <b>easy</b> 21:11  <b>eat-in</b> 17:14 24:12  <b>economy</b> 36:10,11  <b>edge</b> 22:11 26:24  <b>education</b> 12:9  <b>efficiency</b> 35:4,5,6  <b>eight</b> 6:23 8:19  <b>either</b> 20:2  <b>elements</b> 26:23  <b>elevate</b> 7:25  <b>elevated</b> 7:8  <b>elevation</b> 8:1,7,8 10:8  <b>eliminate</b> 13:19  <b>employee</b> 43:11,14  <b>encumbers</b> 19:19 21:5  <b>encumbrance</b> 14:21  <b>end</b> 14:15,16 15:15,20 21:12  24:11 29:23 30:11  <b>ended</b> 8:18 9:4 10:1  <b>ends</b> 15:10 16:7 18:15 19:7  21:4,5 22:8  <b>energy</b> 26:20  <b>Enforcement</b> 1:4 2:17 5:3  <b>enhancement</b> 35:19  <b>enlarge</b> 12:19  <b>enlarging</b> 12:13  <b>enough</b> 18:7 20:18 21:16  32:16,22  <b>enter</b> 15:4  <b>enters</b> 27:4  <b>environment</b> 14:12,16,17  15:13 37:21  <b>erect</b> 20:17  <b>escape</b> 20:14  <b>ESQUIRE</b> 3:3  <b>essentially</b> 5:18  <b>even</b> 11:11 19:23 21:5 25:2,8  25:16 39:12  <b>ever</b> 34:20  <b>every</b> 14:16 15:14 16:6 17:20  18:9 22:3 26:23 33:14</p>	<p><b>everybody</b> 5:4 9:21 11:18  28:13 33:2 35:12  <b>everybody's</b> 36:3  <b>everyone</b> 10:6  <b>everything</b> 8:11 13:12 22:5  23:23 27:8 29:2 38:22  <b>Exactly</b> 12:23 16:12 39:16  <b>exception</b> 39:4  <b>excitement</b> 7:3  <b>Exhibit</b> 38:17 39:1,8  <b>EXHIBITS</b> 4:8  <b>exist</b> 19:25  <b>existing</b> 13:4,5 16:22 22:10,17  27:18 30:17 33:17  <b>expand</b> 32:8  <b>expanding</b> 28:9  <b>expert</b> 11:19  <b>extra</b> 9:5  <b>extremely</b> 29:24</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>F</b> 43:1  <b>facilities</b> 33:14  <b>fact</b> 31:25  <b>family</b> 31:9 34:20  <b>far</b> 7:20 23:11 28:20 31:2  32:15 35:9 36:13 38:2  <b>February</b> 40:23  <b>feet</b> 8:6 14:8,23 15:11 20:11  22:12,19 29:12,18,22 31:1  31:10 33:18,19,23 34:23  <b>FEMA</b> 7:25 31:11 34:24  35:23  <b>few</b> 25:6 31:7 35:10 41:20  <b>final</b> 26:4 27:23 41:5  <b>financially</b> 43:15  <b>fine</b> 18:8 23:18  <b>fire</b> 20:2  <b>fireman</b> 20:16  <b>firemen</b> 20:12  <b>first</b> 5:24 8:10,24 11:9 14:2  23:3 24:11,14 27:7  <b>five</b> 22:19 34:6  <b>flat</b> 28:2 31:7  <b>flood</b> 8:10,11 9:16 10:8 12:11  22:2 24:6 32:25 33:2,24  34:2,8,12,25  <b>flooding</b> 37:5  <b>floods</b> 21:24  <b>floor</b> 8:10,24 14:2,4 18:23  23:3,17 24:10,11,14  <b>flooring</b> 8:13 10:5  <b>floors</b> 8:15,17,25  <b>foam</b> 9:3  <b>follow</b> 35:13  <b>foot</b> 8:23 9:5 12:5,6 14:1  16:17,18 24:25 25:23  <b>footage</b> 29:8 33:17</p>
---	---	--	--

<p><b>footage-wise</b> 33:21  <b>forces</b> 22:8  <b>foregoing</b> 43:6  <b>foresee</b> 9:10  <b>forms</b> 26:9  <b>forth</b> 43:9  <b>fortunately</b> 16:25  <b>forward</b> 17:2 19:6 20:5  <b>foundation</b> 22:16  <b>four</b> 12:25 13:25  <b>frame</b> 41:3  <b>from</b> 8:21 13:9 16:13 23:2,12              24:22 26:12 29:22,23 31:11              32:12,21 33:22 34:6 35:5              36:5,6,12 37:5,9 40:14  <b>front</b> 6:22 9:23 10:18 15:7,8              16:16,19 19:3 21:8 22:9,10              22:15,21 24:2,22 27:14              29:22  <b>full</b> 34:7  <b>funny</b> 15:17  <b>furnace</b> 24:13  <b>further</b> 42:6 43:10  <b>future</b> 15:24 31:15 32:4,13              34:15 36:1</p>	<p><b>Group</b> 3:5  <b>grow</b> 18:7  <b>growth</b> 22:5  <b>guess</b> 12:2 27:9  <b>gutter</b> 26:17 27:3  <b>gutters</b> 26:25  <b>guys</b> 6:23</p>	<p style="text-align: center;"><b>I</b></p> <p><b>idea</b> 22:6  <b>identification</b> 38:18 39:2,9  <b>immediately</b> 6:21 19:11  <b>impacts</b> 18:19 32:13  <b>important</b> 17:11 27:1 29:6  <b>impossible</b> 30:5  <b>impressive</b> 7:7  <b>improvement</b> 31:19  <b>inches</b> 22:13,18  <b>incorporations</b> 37:19  <b>incorrectly</b> 20:8  <b>increases</b> 35:20,20 36:2  <b>indicated</b> 42:8  <b>indicates</b> 38:4  <b>indicating</b> 18:13  <b>individual</b> 30:18  <b>individually</b> 34:17  <b>information</b> 42:3  <b>inside</b> 7:11 31:8,10  <b>instances</b> 11:17  <b>insulation</b> 9:2  <b>insurance</b> 33:1,2,24 34:2,8,12              35:1  <b>integrate</b> 18:10 26:3  <b>integrates</b> 24:20  <b>intended</b> 15:24  <b>interested</b> 43:15  <b>interesting</b> 30:11  <b>interior</b> 32:8  <b>International</b> 8:9  <b>interpret</b> 17:1  <b>involved</b> 34:21  <b>IRC</b> 8:8 25:5  <b>issue</b> 28:18 41:21  <b>issues</b> 16:11  <b>item</b> 5:12</p>	<p><b>kitchen</b> 17:14 24:12  <b>knock</b> 32:7  <b>know</b> 7:16 8:12 10:5,6,25              13:23 14:21 16:14 17:18              21:14 24:14,22 26:22 28:14              28:21 31:16,21 36:13,14              41:1  <b>knowledge</b> 37:10</p>
<p style="text-align: center;"><b>G</b></p> <p><b>G</b> 3:3  <b>gave</b> 9:5  <b>generally</b> 12:3 26:16  <b>Georgia</b> 6:24 27:13  <b>gets</b> 26:2  <b>getting</b> 8:16 10:11 21:23              23:11 33:19  <b>give</b> 20:11,15,17 28:3 41:5  <b>gives</b> 15:11 20:12 35:1  <b>go</b> 10:16,17 12:11,18,20 15:19              20:5,16 21:21 22:24 23:21              25:18 27:20 28:13 32:9              33:13 35:17 36:17  <b>going</b> 6:5 8:20 9:22,25 10:18              10:24,25 11:2 20:11 22:19              23:3,7,12 27:13,14 34:15,22              35:5 41:17  <b>gone</b> 34:1  <b>good</b> 5:25 6:13 15:3 22:6 35:6              35:8 38:6 39:19 40:12  <b>gotten</b> 17:4  <b>government</b> 32:11  <b>governor's</b> 12:11  <b>go-forward</b> 42:3  <b>grade</b> 21:21 23:15,15,19  <b>Grandfather</b> 20:6  <b>grandfathered</b> 20:8  <b>grant</b> 7:11,12 36:4 37:25  <b>granted</b> 6:23 38:5  <b>grant</b> 15:9 36:11 41:23,25  <b>ground</b> 15:10</p>	<p style="text-align: center;"><b>H</b></p> <p><b>habitability</b> 31:9  <b>habitable</b> 18:24 30:6 33:20  <b>half</b> 18:4 25:23 31:10 32:21  <b>hallway</b> 18:1  <b>handcuffs</b> 32:11  <b>happen</b> 23:9 34:20  <b>happening</b> 8:18 9:4 10:1 19:7              22:8  <b>happens</b> 7:24 13:20  <b>Happy</b> 5:4  <b>hard</b> 14:9  <b>hardship</b> 29:8 30:24 33:10              36:21,23 38:1  <b>hardships</b> 33:3,5,6,6  <b>hardwood</b> 8:15,16,25  <b>having</b> 9:2 21:18  <b>head</b> 14:10  <b>hear</b> 6:3  <b>hearing</b> 1:7 2:1 3:1 5:3,9 40:7              40:18 42:12  <b>heater</b> 24:13  <b>heating</b> 22:1  <b>heaven</b> 36:5  <b>heavy</b> 41:2  <b>height</b> 8:4 27:10,16  <b>help</b> 32:25  <b>helps</b> 32:19 33:1 39:13  <b>hereinbefore</b> 43:9  <b>high</b> 35:4,5  <b>higher</b> 10:17  <b>highlight</b> 36:18  <b>him</b> 20:11,17 39:22  <b>hits</b> 26:13  <b>holds</b> 24:6  <b>home</b> 5:18,18 31:7,7  <b>homeowner</b> 33:5,25  <b>homes</b> 14:18 15:25 17:6 18:12              18:15  <b>hope</b> 35:16 36:14  <b>Hopefully</b> 10:22  <b>hot</b> 24:13  <b>house</b> 6:21,22 15:20 16:17              17:13,19 19:1,23 21:18,22              21:23 29:9,10 31:25 32:6              33:8,9 34:14,18 35:3 36:1  <b>houses</b> 15:15 21:12 34:16  <b>huge</b> 34:17  <b>Hurricane</b> 5:20  <b>HYLAND</b> 3:3</p>	<p style="text-align: center;"><b>J</b></p> <p><b>January</b> 1:19 5:2 40:21 41:1              42:9  <b>Jersey</b> 2:4,5 6:18  <b>join</b> 5:5  <b>JR</b> 2:14  <b>jump</b> 20:14,16  <b>jumped</b> 40:1  <b>jurisdiction</b> 6:2 11:3  <b>just</b> 7:2,7,8 11:7 12:8,16,21              15:15 22:16 23:10 35:15  <b>justification</b> 29:1</p>	<p style="text-align: center;"><b>L</b></p> <p><b>L</b> 2:5,17 43:4,21  <b>ladder</b> 20:17 23:13  <b>Lance</b> 2:14 5:1,9 6:4,10,13,16              9:13 10:7,11,22 11:11,24              12:10,23 16:22 17:5 20:25              22:23 23:6,14,18,24 25:8,13              25:25 27:8,24 28:7 30:18              36:16 38:13 39:13,16 40:1,6              40:14,25 41:7,12,19 42:5  <b>land</b> 1:4 2:17 5:2 10:23 28:24              37:4,20 40:21  <b>Landgraf</b> 2:14 5:1,9 6:4,10,13              6:16 9:13 10:7,11,22 11:11              11:24 12:10,23 16:22 17:5              20:25 22:23 23:6,14,18,24              25:8,13,25 27:24 30:18              36:16 37:9 38:13 39:13 40:1              40:6,14,25 41:7,12,19 42:5  <b>landing</b> 23:3 24:7  <b>last</b> 6:10  <b>law</b> 37:4,20  <b>layout</b> 24:20  <b>least</b> 28:3 41:14  <b>leave</b> 34:15  <b>left</b> 9:6 19:2 20:22  <b>less</b> 18:18,18 24:24  <b>letter</b> 38:14  <b>Let's</b> 31:5  <b>level</b> 24:4 33:13  <b>liability</b> 32:5 35:23  <b>Liberty</b> 1:15 5:14 19:2 27:5              32:1  <b>lift</b> 8:22 17:21 21:12 34:16              41:2  <b>lifting</b> 17:6  <b>light</b> 14:2 19:20 20:18,23              24:21  <b>like</b> 7:8 9:3 14:10 15:15,18              19:15,16 20:24 21:10 22:19              23:10 24:9 26:18 28:14,22              32:20 33:3,22 34:7,9,9              35:24 38:20 41:7  <b>line</b> 7:15 13:17,17,18,20 19:12              19:19 20:3 22:17 24:25              41:15,21  <b>lined</b> 22:16  <b>lines</b> 37:14 39:17  <b>list</b> 15:4</p>
		<p style="text-align: center;"><b>K</b></p> <p><b>keep</b> 11:3 25:2 28:22  <b>kid</b> 18:6  <b>kid's</b> 18:6  <b>kind</b> 7:23 8:14 15:17 17:11              18:5 23:22 25:11 28:25              36:13</p>	

<p><b>little</b> 12:1 28:3  <b>live</b> 16:18 17:19 18:8,11,14,19 19:23  <b>living</b> 17:15 24:16  <b>local</b> 6:14 8:5 36:9  <b>locally</b> 31:12  <b>locate</b> 20:20 24:4  <b>located</b> 19:18  <b>location</b> 25:4  <b>long</b> 13:24  <b>look</b> 7:7,8 16:14 18:23  <b>looked</b> 25:12  <b>looking</b> 11:7,9 23:1 34:8  <b>looks</b> 15:15  <b>lose</b> 12:19 34:18  <b>lost</b> 19:23  <b>lot</b> 1:14 5:15 6:15 7:5,22 13:1 13:2,3 14:5 15:16 16:10,21 16:24 19:17 30:1,1,7 32:24 36:21 42:2  <b>lots</b> 16:15  <b>love</b> 29:16,19  <b>lovely</b> 29:15  <b>low</b> 32:3 35:5  <b>lower</b> 33:1</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>M</b> 5:11  <b>made</b> 17:17 30:23 37:9,14  <b>maintain</b> 19:20  <b>make</b> 10:7,9 15:10 17:23,24 19:22 22:8 35:18 40:2 41:11  <b>makes</b> 15:6 16:5 28:12  <b>making</b> 12:1 21:6 22:14 33:8 33:12  <b>many</b> 11:17 26:2 32:17  <b>Margate</b> 9:16  <b>mark</b> 38:13,21 39:6  <b>marked</b> 4:8 38:17 39:1,8  <b>market</b> 34:3,3,4,7  <b>mass</b> 28:4  <b>master</b> 17:25  <b>match</b> 7:17  <b>materials</b> 8:24 38:21  <b>matter</b> 2:2  <b>matters</b> 19:22  <b>maximum</b> 29:8 34:25  <b>maybe</b> 11:12 17:16  <b>mean</b> 7:20 16:24  <b>meaning</b> 14:17  <b>means</b> 9:23 31:13 32:3  <b>measure</b> 25:16  <b>mechanicals</b> 35:4  <b>meet</b> 42:8  <b>meeting</b> 40:20,20,21,22 41:1 42:7  <b>Meetings</b> 5:11  <b>middle</b> 15:16,18 17:25</p>	<p><b>might</b> 11:11 15:3 25:18 29:19  <b>mind</b> 11:3  <b>minimis</b> 22:12  <b>modern</b> 18:14 24:20  <b>modernize</b> 18:22,23  <b>modifications</b> 28:11 37:18  <b>modify</b> 15:4  <b>Mohammed</b> 1:11 5:14  <b>money</b> 36:5,5  <b>months</b> 6:24 8:19  <b>moon</b> 10:20  <b>more</b> 18:24 21:5,6 32:17 34:1 34:10 37:14  <b>morning</b> 37:16  <b>mortgage</b> 33:25 34:2,11,13,13  <b>most</b> 7:12 34:19  <b>motivation</b> 38:9  <b>mousetrap</b> 28:15  <b>moving</b> 32:21 33:22  <b>much</b> 7:10 10:17 18:23 21:11 24:21 35:18  <b>multiple</b> 14:25 15:1  <b>municipal</b> 28:24 37:4  <b>municipality</b> 8:1,3 9:20 10:15</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>N</b> 4:1  <b>name</b> 6:11  <b>Nancy</b> 2:5 43:4,21  <b>narrow</b> 25:17  <b>natural</b> 20:18  <b>naturally</b> 30:14  <b>NAZZARO</b> 3:5 11:5,15,22 12:17 16:9 17:7 28:6 29:3 29:14,17,25 36:19 39:15,23 40:4 42:1  <b>need</b> 7:19 14:15 20:18 21:17  <b>negative</b> 38:3  <b>negatively</b> 32:13  <b>neighbor</b> 14:1 19:10 26:12  <b>neighborhood</b> 18:17,20 28:1 29:11 32:14 33:6 35:9,22 39:12  <b>neighborhoods</b> 35:11  <b>neighbors</b> 26:10  <b>neither</b> 43:11,13  <b>never</b> 17:4  <b>new</b> 2:4,5 5:4 6:18 15:1,5 16:3 16:15 22:15 25:3,4 29:10 30:15,19,19,22 31:15 35:3  <b>next</b> 13:20 23:15 35:16,24 40:20,21,22  <b>nice</b> 24:20  <b>nine</b> 6:24 8:1 31:12  <b>NJ</b> 1:15  <b>Nobody</b> 35:23  <b>none</b> 33:15 40:10  <b>non-conforming</b> 12:7 16:23</p>	<p><b>noon</b> 40:3  <b>normal</b> 16:18  <b>North</b> 1:15 5:14  <b>Notary</b> 43:5  <b>notes</b> 43:7  <b>nothing</b> 6:8 19:15 40:14  <b>notice</b> 5:25  <b>noticeable</b> 22:13  <b>noticed</b> 5:10  <b>no-brainer</b> 36:14  <b>number</b> 5:13 7:17 32:3 34:10  <b>numbers</b> 32:23</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>obligated</b> 28:25  <b>observations</b> 37:10  <b>obviously</b> 15:22 29:7,24 34:11 35:1,6  <b>occur</b> 38:10  <b>off</b> 21:16 22:19 26:24  <b>officer</b> 2:17 40:18  <b>often</b> 38:8  <b>okay</b> 10:13 12:15 25:25  <b>older</b> 18:14 28:2  <b>once</b> 10:15 21:12 33:25 34:3 35:10  <b>one</b> 5:12,24 6:23 10:15 11:6 11:19 13:1 15:9,14,15,17 16:7 17:13,20 18:9,11,14 26:9,25 33:11,12,16 34:19 37:3  <b>ones</b> 15:16  <b>only</b> 14:23 15:21 19:9 20:6 21:10 25:19,23 36:3  <b>onto</b> 20:16 26:10,14,15 30:24  <b>open</b> 5:11 15:12 24:21 40:6  <b>opinion</b> 31:2 33:9  <b>opposed</b> 30:17  <b>opposite</b> 22:20  <b>order</b> 5:1 21:16  <b>ordinance</b> 14:11,24 15:22,23 22:2 30:15  <b>originally</b> 37:14  <b>other</b> 6:21 11:13,21 32:24 38:9  <b>otherwise</b> 9:8  <b>out</b> 8:24 19:4 20:14 21:17,23 23:11 24:8 31:17 32:7 40:2  <b>outside</b> 22:7  <b>outweigh</b> 31:4  <b>over</b> 8:20 21:9 27:21  <b>overall</b> 27:16 39:11  <b>owned</b> 25:21 32:6  <b>owners</b> 16:5</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>package</b> 41:16  <b>packet</b> 38:23</p>	<p><b>PAGE</b> 4:3  <b>part</b> 12:9 16:12 18:21 26:20 31:24  <b>particular</b> 18:3,25 33:7 34:21  <b>parties</b> 43:12  <b>party</b> 19:8,9 27:11 29:21  <b>past</b> 11:7,9 41:20  <b>pay</b> 32:25 33:2  <b>Pennsylvania</b> 2:4  <b>people</b> 21:21 22:3 36:10  <b>people's</b> 22:18  <b>percent</b> 13:2,3,5,8 21:15 30:8  <b>permit</b> 32:10  <b>PERRETTI</b> 3:3  <b>perspective</b> 36:12  <b>photo</b> 39:5  <b>photograph</b> 13:11  <b>photographs</b> 37:11  <b>physical</b> 32:2  <b>picture</b> 6:20 7:2 27:12  <b>piece</b> 15:10  <b>pieces</b> 7:22 10:14  <b>place</b> 26:19 27:5 35:22 43:8  <b>plan</b> 18:23 24:19 27:23 41:6  <b>planner</b> 6:18,19  <b>planning</b> 2:15 8:20  <b>plans</b> 23:1 26:7 27:20  <b>please</b> 5:5 6:11  <b>Pledge</b> 5:5,7  <b>plus</b> 8:21 9:6,16,17,20,21,24 10:2,4 12:12 15:11 20:18  <b>pocketbook</b> 35:7  <b>point</b> 18:17 25:4 28:16 33:20 34:12  <b>porch</b> 21:8,13,15 22:9,11,17 22:18  <b>portion</b> 13:22 16:6 19:9 40:11  <b>positive</b> 37:24  <b>possible</b> 24:3,22 35:14 36:7  <b>possibly</b> 7:11 35:25  <b>practical</b> 30:3 36:23  <b>preexisting</b> 16:3  <b>premium</b> 33:24  <b>present</b> 2:7 5:21  <b>presentation</b> 40:17  <b>presently</b> 22:9 31:10  <b>pressure</b> 18:16 20:9 35:12  <b>pressure-treated</b> 8:12,16 10:21  <b>primarily</b> 27:9  <b>principal</b> 13:2,5,21  <b>problem</b> 9:19 30:13,22,23  <b>product</b> 7:16  <b>professional</b> 6:17,19  <b>PROFESSIONALS</b> 3:1  <b>program</b> 15:2 32:20 34:22  <b>project</b> 21:7  <b>projects</b> 32:24</p>
--	---	---	--

<p><b>promote</b> 31:9  <b>proof</b> 37:2,23  <b>properties</b> 38:6  <b>property</b> 13:17,18 14:22 16:5  19:10,12,19,19 20:3 22:17  24:25 26:11,15 30:5,10  <b>proposed</b> 12:25 13:8 27:17  32:18 37:13  <b>proposing</b> 13:18,25 14:3  <b>protection</b> 12:20  <b>provide</b> 7:15 21:16  <b>provided</b> 6:2  <b>provides</b> 24:7 36:4  <b>providing</b> 20:22 22:15 33:16  <b>PT</b> 8:11 10:5,6 11:10  <b>public</b> 1:7 2:1 5:11 21:19 38:6  40:7,8,10 42:6,12 43:5  <b>purpose</b> 37:4,7  <b>purposes</b> 24:6 37:3  <b>put</b> 14:10 17:21 21:18 24:2  35:11 41:16  <b>puts</b> 18:15 20:9  <b>putting</b> 21:5 22:7 31:15,16</p>	<p><b>Reid</b> 2:17 6:1 13:13 15:23  20:1 37:11 40:13  <b>REINVESTMENT</b> 1:1 2:3,12  <b>relate</b> 11:21  <b>related</b> 31:20 43:13  <b>relates</b> 14:11  <b>relative</b> 43:11,13  <b>relief</b> 1:12 11:25 28:9 37:25  38:4  <b>rely</b> 37:19  <b>removing</b> 33:10  <b>renovate</b> 31:14 32:12  <b>renovation</b> 12:25  <b>report</b> 29:2 36:18 38:14 40:19  41:5  <b>Reporter</b> 2:6 43:5  <b>represented</b> 37:16  <b>represents</b> 31:17 36:23  <b>requirement</b> 7:25 8:2,4,21 9:5  10:3 11:10 13:2,4 14:7,7  16:8,20 31:11,12 34:24  <b>requirements</b> 18:2 31:3,21  <b>requires</b> 8:9 12:25 14:5 34:13  <b>Residential</b> 5:15 8:9  <b>resistant</b> 8:10,11  <b>respect</b> 30:2 37:23  <b>responding</b> 27:9  <b>result</b> 22:22  <b>reviewed</b> 6:1  <b>rewriting</b> 10:23  <b>ridiculous</b> 8:14 18:13  <b>right</b> 8:22 9:22 11:8,15,23  13:23 17:8,12 19:11 20:25  21:2 23:9 31:6 33:16  <b>right-hand</b> 19:8 22:25  <b>right-of-way</b> 19:3 21:19 23:9  <b>right-of-ways</b> 25:11  <b>RIKER</b> 3:3  <b>RMR</b> 43:21  <b>Rob</b> 5:24 13:10 40:12  <b>ROBERT</b> 2:17 6:1 13:13  15:23 20:1 40:13  <b>roof</b> 21:9 26:8,12,14,14,16,24  27:13,13,20,21 31:7,15  37:14 39:17 41:15,21  <b>roofs</b> 26:11 28:2 39:16  <b>room</b> 13:23,24,25 17:14,15,16  18:5,6,7,8 24:9,15,16 33:15  <b>rooms</b> 17:22,25 18:9 33:22  <b>row</b> 14:2 15:25 18:12  <b>run</b> 26:14,15  <b>running</b> 9:8  <b>runoff</b> 27:4  <b>R-3</b> 5:15 14:9,14 15:5 30:11  30:12,16 36:24</p>	<p><b>same</b> 11:2 12:13,18 15:10  30:22  <b>Sandy</b> 5:20,20  <b>satisfied</b> 37:2,24  <b>saw</b> 13:11  <b>says</b> 10:3,3,15 14:12  <b>SCHERER</b> 3:3  <b>SCOTT</b> 3:3 6:7 38:20 39:6  <b>second</b> 14:4 23:16 24:10  <b>secondly</b> 21:20  <b>secure</b> 37:4  <b>see</b> 23:21 41:17  <b>seeing</b> 23:1 40:10  <b>seeking</b> 1:12 11:25  <b>seem</b> 16:2  <b>seen</b> 21:20  <b>Senator</b> 5:10  <b>sense</b> 10:8,10 15:6 16:5 17:17  28:13  <b>serves</b> 24:5  <b>service</b> 6:2  <b>set</b> 43:9  <b>setback</b> 14:6,19,20 15:7,7,8,9  16:8 22:11  <b>setbacks</b> 14:13,15 30:17  <b>sets</b> 27:22 41:11  <b>seven</b> 22:12,18  <b>several</b> 11:17  <b>shed</b> 13:6,16 27:14,20  <b>show</b> 7:2 29:1 37:12 39:22,25  <b>showed</b> 26:8 27:12,13  <b>showing</b> 41:15  <b>shown</b> 13:16  <b>shows</b> 39:14,15,17  <b>side</b> 13:17 14:13,15,18,20  15:8 16:7 19:2,8 20:10 23:1  24:24 25:6 29:21  <b>siding</b> 31:16  <b>significant</b> 21:13  <b>significantly</b> 16:10 36:22  <b>similar</b> 35:25  <b>since</b> 22:14 25:1 29:8 42:1  <b>single</b> 30:22  <b>SINGLE-FAMILY</b> 1:13  <b>single-story</b> 13:22  <b>sit</b> 11:12,16  <b>site</b> 21:5 29:10  <b>situation</b> 34:7  <b>six</b> 14:1 27:22 31:10 32:21  41:11  <b>size</b> 15:16 16:21 17:19,24  <b>sizes</b> 24:9  <b>sketch</b> 41:14  <b>slice</b> 11:19  <b>slowly</b> 34:4  <b>small</b> 11:19 13:6 18:1 19:3  20:21 29:18,24 31:8,25  <b>smaller</b> 22:9</p>	<p><b>smell</b> 22:4  <b>solution</b> 26:4 41:23  <b>some</b> 7:6,7 10:23 11:12 25:21  28:4,8 36:1  <b>something</b> 7:8 16:18 18:11  26:24 27:25 29:11 32:9,21  34:9  <b>sometime</b> 31:14  <b>soon</b> 10:22  <b>sorry</b> 5:20 15:7  <b>sort</b> 7:14,21 8:15 11:7 24:15  25:19  <b>South</b> 2:3  <b>space</b> 15:12 18:24 20:15,18  21:11,16 24:12  <b>spark</b> 38:9  <b>speak</b> 6:6 40:8  <b>speaking</b> 12:3  <b>specific</b> 16:4  <b>specifically</b> 11:19 15:14 30:14  31:6 35:2  <b>Spell</b> 6:10  <b>spend</b> 36:7  <b>spoke</b> 22:24  <b>spot</b> 12:13  <b>spray</b> 9:2  <b>sprinkle</b> 7:10  <b>sprinkling</b> 35:10  <b>square</b> 16:17,17 29:8,12,18  31:1 33:17,18,19,21  <b>stair</b> 17:15 21:17,22,25 22:1  24:17  <b>stairs</b> 22:7 23:2,3 33:13  <b>stairwell</b> 22:24  <b>standard</b> 8:24 10:16,19 16:3  17:21,24 18:6 36:25  <b>start</b> 5:22 17:5 35:10,12  <b>started</b> 11:9  <b>state</b> 6:18 8:3,5  <b>states</b> 8:2  <b>statute</b> 12:11  <b>statutory</b> 37:23  <b>stenographic</b> 43:7  <b>step</b> 21:18  <b>steps</b> 21:10,13  <b>still</b> 9:6 10:4 16:16 19:20,25  20:8 25:24  <b>stopping</b> 8:22  <b>street</b> 25:14,16,17,17  <b>Streets</b> 25:12  <b>strip</b> 20:23 29:21  <b>structure</b> 8:13 12:1,14 18:16  30:5,6 31:9,14,19,20,22  32:14 36:3,4 37:6 39:5  <b>structures</b> 28:2 35:21  <b>stuff</b> 35:24  <b>submission</b> 38:23  <b>subsidies</b> 34:1</p>
<p style="text-align: center;"><b>Q</b></p> <p><b>qualify</b> 34:24  <b>question</b> 9:14  <b>quick</b> 28:23 40:1</p>	<p style="text-align: center;"><b>R</b></p> <p><b>R</b> 15:2 43:1  <b>rain</b> 26:13  <b>rainwater</b> 26:9,9  <b>raise</b> 5:18  <b>raised</b> 5:19  <b>raising</b> 37:5  <b>rate</b> 31:22 32:2 33:1 34:8  <b>rates</b> 34:2  <b>rather</b> 7:7 13:23 21:12  <b>rating</b> 32:20  <b>real</b> 21:10 25:19  <b>really</b> 14:9 16:5 17:4 22:12  26:21 30:3  <b>rear</b> 13:18 14:6,7 15:6 16:16  16:19 20:22,25 21:2 24:2,23  29:23  <b>reason</b> 29:13 32:16  <b>recited</b> 5:8  <b>recognize</b> 12:4  <b>reconstruct</b> 1:12 5:18  <b>record</b> 37:16 39:20  <b>reduce</b> 28:4  <b>referred</b> 4:8 38:22  <b>regarding</b> 15:5  <b>regardless</b> 38:1  <b>regular</b> 27:4  <b>Regulation</b> 1:4 5:2  <b>regulations</b> 10:24</p>	<p style="text-align: center;"><b>S</b></p> <p><b>safety</b> 37:5</p>	<p style="text-align: center;"><b>S</b></p>



<p><b>substantial</b> 31:18,18 38:5  <b>such-and-such</b> 32:8  <b>suggestions</b> 37:8  <b>suit</b> 35:13  <b>superstorm</b> 5:20  <b>sure</b> 16:1 40:2  <b>surface</b> 27:4  <b>surrounding</b> 38:6  <b>swear</b> 6:7  <b>sworn</b> 5:23 6:5  <b>system</b> 8:13</p>	<p>25:22 29:20  <b>threw</b> 30:24  <b>throughout</b> 7:4,6 15:14 16:23 35:11  <b>throw</b> 16:19  <b>throwing</b> 26:18  <b>Thursday</b> 1:19  <b>tight</b> 13:12,13  <b>time</b> 5:8 16:6 26:23 33:14 36:10 41:2 43:8  <b>times</b> 40:5  <b>today</b> 5:13 6:22 13:10  <b>together</b> 7:23 13:13  <b>total</b> 14:22  <b>totally</b> 30:23  <b>towards</b> 14:1  <b>town</b> 33:7 35:18  <b>transcript</b> 43:7  <b>transform</b> 35:15  <b>trash</b> 19:4,5  <b>trouble</b> 27:19  <b>true</b> 43:6  <b>truth</b> 6:8,8,9  <b>try</b> 17:20,21 24:3 40:25 41:3  <b>trying</b> 7:9,15 18:22,22 28:22 35:17  <b>two</b> 8:6,21 9:6 17:15 21:10 24:5 26:9 33:12  <b>two-bedroom</b> 17:12 33:8  <b>type</b> 8:22 38:8</p>	<p>32:3  <b>vision</b> 35:25  <b>visual</b> 37:21</p>	<p style="text-align: center;"><b>X</b></p> <p><b>X</b> 4:1 17:25 18:2,4,5  <b>XI0001692</b> 43:22</p>
<p style="text-align: center;"><b>T</b></p> <p><b>T</b> 43:1,1  <b>table</b> 24:15  <b>take</b> 9:25 10:24 11:12 12:16 15:9,24 21:11 27:20,21  <b>taken</b> 2:2 37:11 43:8  <b>takes</b> 27:5  <b>taking</b> 22:19 32:20 35:22  <b>talk</b> 31:5  <b>talking</b> 24:9 27:8  <b>tax</b> 31:20  <b>tell</b> 6:8  <b>ten</b> 29:22  <b>terms</b> 14:12 15:16 16:6 28:24 30:15,16 31:23  <b>Terrace</b> 1:15 5:14 19:2 27:6 32:1  <b>testimony</b> 6:9 38:3 43:8  <b>Thank</b> 23:24 25:25 27:24 36:16 38:12 40:16,24 41:25 42:4,10  <b>their</b> 8:2 10:19 11:2 22:9,10 22:11 26:11 34:1,10 35:6 36:1  <b>theoretically</b> 12:4  <b>they'd</b> 23:11  <b>thin</b> 25:19  <b>thing</b> 5:24 7:21 8:15 10:12 11:2 15:3 24:15 25:11 28:19 36:1  <b>things</b> 9:3,7 11:7,18 15:4,18 16:15 18:8 19:16,17 26:3,25 32:17 34:19  <b>think</b> 24:19 27:25 28:4,4,10 28:12,14 30:10 35:11,19 36:2,12,13,20,21 37:1,8,15 37:18,22 38:2,10 39:19 41:23  <b>thinks</b> 30:15  <b>though</b> 25:3,8 39:13  <b>thought</b> 23:19  <b>three</b> 9:16,17,20,21,24 10:2,4 12:12 14:23 20:11 24:17,25 33:4 34:23 40:5  <b>three-bedroom</b> 33:9  <b>three-foot</b> 15:21 19:1 20:22</p>	<p style="text-align: center;"><b>U</b></p> <p><b>undersized</b> 16:10 30:1,2 36:22  <b>understand</b> 10:14 11:20  <b>until</b> 17:5 41:12  <b>unusual</b> 19:15  <b>upstairs</b> 24:18  <b>use</b> 1:4 2:17 5:2 10:23 25:5 28:25 37:4,20 40:21  <b>used</b> 18:11  <b>useful</b> 24:5  <b>utility</b> 13:23,24,25 17:16  <b>utilize</b> 33:14</p>	<p style="text-align: center;"><b>W</b></p> <p><b>wait</b> 41:4,12  <b>walk</b> 22:4  <b>walking</b> 7:15  <b>wall</b> 19:9,9,11,13 26:13 27:10 27:11 29:21 32:7  <b>want</b> 7:20 16:15,15,16 28:21 32:7,8 36:18 39:22,24 40:2 41:9,10,17  <b>washer</b> 24:12,12  <b>Washington</b> 36:6  <b>water</b> 24:13 26:14,18 27:3,14  <b>way</b> 10:19 15:2 17:4 18:14 21:22 36:6,8  <b>weeds</b> 10:12  <b>weird</b> 25:10  <b>welcome</b> 24:1 26:1  <b>well</b> 6:18 12:16 14:4 16:10 24:15,22 25:7 26:11,21 28:17 32:14 37:10 38:11  <b>went</b> 9:16,16  <b>were</b> 9:8 11:9 13:10 15:25 19:17 23:19 28:18 29:10 37:11 39:17  <b>weren't</b> 37:25  <b>wet</b> 26:23  <b>we'll</b> 6:16 10:23 27:21 38:13 39:6 40:6,10,18 41:4 42:5,6  <b>we're</b> 5:24 7:3,9,14,22 10:11 10:24,25 12:5 13:18,24 14:3 17:3 18:21,22 20:11 21:15 22:19,21 24:23,24 25:6 26:10,18 28:25 32:20,21 33:8,9,11,16,18,22 35:5,17 40:2,12 42:10  <b>we've</b> 9:11  <b>whole</b> 6:8 33:18  <b>wide</b> 15:20 19:1 25:22 29:21  <b>width</b> 30:2  <b>willingness</b> 37:17  <b>window</b> 20:15 24:14  <b>windows</b> 19:18,25 20:1,13,14 22:25 23:11,12,15 24:24 25:2,3,6,14,24 31:8  <b>wish</b> 40:8  <b>withstand</b> 26:22  <b>Witness</b> 18:13  <b>WITNESS(ES)</b> 4:3  <b>woods</b> 7:21  <b>work</b> 10:14 11:13 27:25 35:17  <b>worse</b> 19:22  <b>wow</b> 32:7  <b>write</b> 14:10  <b>wrong</b> 19:14,17</p>	<p style="text-align: center;"><b>Y</b></p> <p><b>yard</b> 14:6,7,13,15,19,20 15:6 15:7,8,9 16:8,16,16 22:11 22:21  <b>yeah</b> 25:10 41:8  <b>year</b> 5:4 34:9  <b>years</b> 19:16,16,24 34:6 35:16</p>
<p style="text-align: center;"><b>V</b></p> <p><b>value</b> 18:16,18 31:19,23 32:13 35:20 36:2  <b>valued</b> 32:3  <b>values</b> 35:20  <b>variance</b> 1:12 14:6 17:3 22:22 28:9 29:7 31:2 37:25 38:4  <b>variances</b> 12:12 13:1  <b>variance's</b> 31:3  <b>ventilation</b> 20:19  <b>versus</b> 27:17  <b>very</b> 6:13 17:18 19:5 21:22 25:17 27:1 30:10 31:8,25</p>	<p style="text-align: center;"><b>Z</b></p> <p><b>zero</b> 14:13 15:19  <b>zone</b> 14:8,9,14 15:5 30:16  <b>zoning</b> 9:23,25 10:18 16:6,23</p>	<p style="text-align: center;"><b>\$</b></p> <p><b>\$150,000</b> 7:12,17  <b>\$20,000</b> 34:9</p>	<p style="text-align: center;"><b>Z</b></p> <p><b>zero</b> 14:13 15:19  <b>zone</b> 14:8,9,14 15:5 30:16  <b>zoning</b> 9:23,25 10:18 16:6,23</p>
<p style="text-align: center;"><b>1</b></p> <p><b>1</b> 5:14  <b>1,200</b> 16:17  <b>1,259</b> 33:19  <b>1,500</b> 16:17  <b>10</b> 18:2,4,5 35:16  <b>10-foot</b> 15:8  <b>10:00</b> 42:9  <b>10:05</b> 2:7  <b>10:40</b> 42:13  <b>100</b> 30:8  <b>100-year-old</b> 14:18  <b>11</b> 8:7,8 18:4 31:12  <b>11.3</b> 17:25  <b>12</b> 15:11 18:5 33:23  <b>12-foot</b> 14:15,18 15:7,8  <b>12.7</b> 17:25  <b>128</b> 6:25  <b>13</b> 32:22  <b>15</b> 2:3 15:11 35:16  <b>15-foot</b> 14:22 15:20  <b>16.1-foot</b> 30:1  <b>17</b> 41:1  <b>19</b> 40:21 42:9  <b>1900</b> 16:1  <b>1988</b> 31:11</p>	<p style="text-align: center;"><b>2</b></p> <p><b>20</b> 35:16  <b>20s</b> 17:17  <b>2016</b> 38:15  <b>2016-11-2096</b> 5:13  <b>2017</b> 1:19 5:2  <b>21</b> 40:23  <b>22</b> 1:14 5:15  <b>25</b> 14:8 29:23  <b>25-foot</b> 15:6</p>	<p style="text-align: center;"><b>1</b></p> <p><b>1</b> 5:14  <b>1,200</b> 16:17  <b>1,259</b> 33:19  <b>1,500</b> 16:17  <b>10</b> 18:2,4,5 35:16  <b>10-foot</b> 15:8  <b>10:00</b> 42:9  <b>10:05</b> 2:7  <b>10:40</b> 42:13  <b>100</b> 30:8  <b>100-year-old</b> 14:18  <b>11</b> 8:7,8 18:4 31:12  <b>11.3</b> 17:25  <b>12</b> 15:11 18:5 33:23  <b>12-foot</b> 14:15,18 15:7,8  <b>12.7</b> 17:25  <b>128</b> 6:25  <b>13</b> 32:22  <b>15</b> 2:3 15:11 35:16  <b>15-foot</b> 14:22 15:20  <b>16.1-foot</b> 30:1  <b>17</b> 41:1  <b>19</b> 40:21 42:9  <b>1900</b> 16:1  <b>1988</b> 31:11</p>	<p style="text-align: center;"><b>2</b></p> <p><b>20</b> 35:16  <b>20s</b> 17:17  <b>2016</b> 38:15  <b>2016-11-2096</b> 5:13  <b>2017</b> 1:19 5:2  <b>21</b> 40:23  <b>22</b> 1:14 5:15  <b>25</b> 14:8 29:23  <b>25-foot</b> 15:6</p>

<hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>30</b> 19:15 <b>339</b> 1:14 5:15 <b>35</b> 19:15</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p><b>4.32</b> 13:21 <b>40</b> 13:2 19:16 21:15</p> <hr/> <p style="text-align: center;"><b>5</b></p> <hr/> <p><b>5</b> 1:19 5:2 <b>50</b> 13:3</p> <hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <p><b>6</b> 4:4 <b>6.4</b> 33:23 <b>64</b> 22:11</p> <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <p><b>70</b> 29:11,17 <b>72.15</b> 13:5 <b>73</b> 31:1 <b>75.77</b> 13:5 <b>79.36</b> 13:8</p> <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <p><b>8</b> 18:2 38:15 <b>80</b> 31:6 <b>88</b> 33:23</p> <hr/> <p style="text-align: center;"><b>9</b></p> <hr/> <p><b>90-year-old</b> 31:7 <b>924</b> 33:17</p>			
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