

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

17 NORTH FLORIDA, LLC

SEEKING CERTIFICATE OF NON-CONFORMITY

TO ALLOW THE CONTINUED USE AS A

WAREHOUSE/STORAGE STRUCTURE

BLOCK 279, LOT 63

17 North Florida Avenue, Atlantic City, NJ

Thursday - October 5, 2017

Public hearing in the



- All New Jersey Certified Court Reporters
- Realtime/Daily/Expedited/"Rough Draft"
- Litigation Support Realtime from Reporter
- Internet Realtime Depositions/CDs/DVDs
- E-Mail Transcripts for Immediate Delivery
- Condensed (minis) w/Word Index

1442 New Road, Northfield, New Jersey 08225

Phone (609) 641-7117 • Fax (609) 641-7640

www.CSRCourtReporters.com

E-Mail: csr@csrcourtreporters.com

- Videotaping/Courtroom Playback
- Videoconferencing
- Audio/Videotapes Transcribed/Copied
- Interpreters
- 24-hour Access to Owner
- Complimentary Conference Room

1 above-referenced matter, taken at the CASINO
2 REINVESTMENT DEVELOPMENT AUTHORITY, 15 South
3 Pennsylvania Avenue, Atlantic City, New Jersey,
4 before Karen A. Haworth, a New Jersey Certified
5 Court Reporter (CCR), nationally certified
6 Registered Professional Reporter (RPR),
7 nationally certified Certificate of Merit holder
8 (CM), nationally certified Certified Realtime
9 Reporter (CRR), a Delaware Certified Shorthand
10 Reporter (CSR), nationally certified Certified
11 LiveNote™ Reporter (CLR), and Notary Public of
12 the State of New Jersey, on the above date,
13 commencing at 10:17 A.M., there being present:
14
15
16

17 APPEARANCES:

18 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

19
20 LANCE B. LANDGRAF, JR.

Chairman

21 Director, Planning Department
22

23 ROBERT L. REID

Land Use Enforcement Officer
24
25

1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2

3 SCOTT G. COLLINS, ESQUIRE

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

4 (Present via speakerphone)

5

6 CHRISTINE NAZZARO COFONE

COFONE CONSULTING GROUP

7 (Present via speakerphone)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 COUNSEL FOR THE APPLICANT:

2

3 JOSEPH R. DOUGHERTY, ESQUIRE

Attorney for 17 North Florida Avenue, LLC

4

5 BRIAN J. CULLEN, ESQUIRE

LEVINE, STALLER, SKLAR, CHAN & BROWN, ESQUIRES

6 Attorney for 1909 Associates, LLC

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESS(ES)

PAGE NO.

MICHAEL BRESTLE

By: Joseph Dougherty

8

EXHIBITS MARKED AND/OR REFERRED TO:

A-1

A-2

A-3

B-1

1 (Time noted: 10:17 A.M.)

2

3 LANCE LANDGRAF: Okay. After a
4 little bit of delay, we'll call to order the
5 October 5th Land Use Regulation hearing.

6 If you would please rise for the
7 Pledge of Allegiance.

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

10 LANCE LANDGRAF: Thank you.

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

14 We have one item on the agenda
15 today. That's application number 2017-09-2258.
16 17 North Florida, LLC.

17 We have Joe Dougherty here,
18 representing the applicant.

19 And, I'm sorry, I don't know --

20 BRIAN CULLEN: Yeah. Brian Cullen,
21 from Levine, Staller. I represent 1909
22 Associates.

23 LANCE LANDGRAF: Okay. And that's
24 the current owner?

25 BRIAN CULLEN: Yeah. That's

1 correct.

2 LANCE LANDGRAF: Thank you.

3 BRIAN CULLEN: If you guys want to
4 start, go ahead. It's pretty informal, so...

5 JOSEPH DOUGHERTY: Okay. All
6 right. For the record, Joe Dougherty here, on
7 behalf of the applicant, 17 North Florida, LLC.

8 We submitted an application for
9 confirmation of a Certificate of Non-Conformity
10 for a property at 17 North Florida Avenue; Block
11 279, Lot 63.

12 I submitted documentation in the
13 form of property record cards and mercantile --
14 historical mercantile license records and, also,
15 a Polk directory.

16 I think Mr. Reid may even have
17 other documentation to show that the property
18 has been used as a warehouse since the 1920s,
19 but, more particularly and more specifically,
20 since at least 1979.

21 I have Mr. Mike Brestle here this
22 morning, who is a representative of the current
23 owner, 1909 --

24 LLC?

25 BRIAN CULLEN: 1909 Associates,

1 LLC.

2 JOSEPH DOUGHERTY: Yeah.

3 BRIAN CULLEN: Associates, LLC.

4 JOSEPH DOUGHERTY: And so if we
5 could have Mr. Brestle sworn, he could testify
6 about the use, as far as since 1909 has owned
7 it, anyway.

8 LANCE LANDGRAF: Okay. Scott, can
9 you do that?

10 SCOTT COLLINS: I can.

11 Can you raise your right hand,
12 please?

13 Do you swear to tell the truth, the
14 whole truth and nothing but the truth in your
15 testimony before this board?

16 (MALE) MEMBER OF THE AUDIENCE: I
17 do.

18 SCOTT COLLINS: Thank you.

19

20 EXAMINATION

21 BY JOSEPH DOUGHERTY:

22 Q. Okay. Mr. Brestle, you are a
23 principal or a representative of 1909
24 Associates, LLC?

25 A. I am.

1 Q. Okay. And 1909 Associates, LLC has
2 owned this property, 17 North Florida Avenue,
3 since 1997?

4 A. Yes.

5 JOSEPH DOUGHERTY: I have a deed,
6 in case --

7 In case the board -- the authority
8 wants a deed, I'll submit it.

9 LANCE LANDGRAF: Do you have that
10 in your file?

11 JOSEPH DOUGHERTY: Yeah. I don't
12 know if I did submit that.

13 ROBERT REID: I don't know if we
14 have that.

15 LANCE LANDGRAF: Okay. Well, we'll
16 take a copy of it.

17 JOSEPH DOUGHERTY: We'll submit it.

18 BRIAN CULLEN: Here's -- here's a
19 deed from -- that's into the 1909 Associates GP,
20 general partnership.

21 THE WITNESS: This was the general
22 partnership. And then they trans -- we
23 transferred it over into the LLC the following
24 year, I think.

25 JOSEPH DOUGHERTY: Okay. So,

1 there's two.

2 ROBERT REID: Okay. That's fine.

3 We'll put it in the file.

4 LANCE LANDGRAF: Thanks.

5 ROBERT REID: Thank you.

6 LANCE LANDGRAF: Yeah. We'll mark
7 them as A-1 and 2, Scott?

8 SCOTT COLLINS: Yes. That's fine.

9 Should we -- should we mark the
10 application itself, as well?

11 ROBERT REID: The application
12 probably should be A-1.

13 LANCE LANDGRAF: All right. So,
14 A-1 is the application.

15 I'll mark the 1909 Associates deed
16 from 1998 --

17 ROBERT REID: That should be A-2.

18 LANCE LANDGRAF: -- A-2.

19 All right. We'll do the '97 deed
20 as A-2 and the follow-up one as A-3.

21 I'll scan them to you, Scott.

22 JOSEPH DOUGHERTY: And A-1, then,
23 includes the property record cards and
24 everything I submitted. Right?

25 LANCE LANDGRAF: Yes.

1 ROBERT REID: Yeah. All the
2 supplements.

3 LANCE LANDGRAF: One thing. I
4 forgot to do it. Can you confirm that we had --
5 You did go through that process
6 where we had a little delay today?

7 ROBERT REID: Yes. For the record,
8 we do have jurisdiction to hear this
9 application. All Proof of Service is in order.

10 LANCE LANDGRAF: Good. Thank you.

11 JOSEPH DOUGHERTY: Great.

12 LANCE LANDGRAF: Please proceed.

13 BY JOSEPH DOUGHERTY:

14 Q. Mr. Brestle, since 1909 acquired
15 the property, has it been used as a warehouse?

16 A. Yes.

17 Q. Continually and without
18 interruption?

19 A. Yes.

20 Q. Okay. And in regard to one of the
21 items on Miss Cofone's report, 1909 Associates,
22 LLC is not the entity that actually stores stuff
23 and uses the warehouse. Is that right?

24 A. That's correct. Yes.

25 Q. Who actually uses the warehouse?

1 A. Calvi Electric.

2 Q. Okay. And there's some sort of an
3 agreement between 1909 Associates and Calvi
4 Electric to permit that use?

5 A. Yes.

6 Q. Okay.

7 JOSEPH DOUGHERTY: I think that's
8 all I have for Mr. Brestle.

9 LANCE LANDGRAF: The square
10 footage. How --

11 JOSEPH DOUGHERTY: Oh.

12 LANCE LANDGRAF: How big is the
13 warehouse? Approximately.

14 JOSEPH DOUGHERTY: The warehouse?
15 It's on the property record card. It's --

16 Hang on. Just a second.

17 BY JOSEPH DOUGHERTY:

18 Q. Mr. Brestle, I'm gonna show you a
19 property record card that shows the square
20 footage as --

21 I think it's one floor.

22 A. Yeah.

23 Q. Yeah.

24 -- 8,750 square feet.

25 LANCE LANDGRAF: Times two.

1 THE WITNESS: Times two.

2 JOSEPH DOUGHERTY: We believe that
3 to be --

4 BRIAN CULLEN: Times two.

5 THE WITNESS: Yeah. I believe it's
6 close --

7 BRIAN CULLEN: 17.

8 THE WITNESS: 17,000 is what I
9 believe it's close to.

10 BY JOSEPH DOUGHERTY:

11 Q. Yeah.

12 And the -- and the setup of the
13 warehouse, has it -- has it ever been any
14 different from that? Did you guys add?

15 A. No.

16 Q. Subtract, expand?

17 A. No.

18 Q. It's the same structural --

19 A. The same exact.

20 Q. -- setup?

21 A. Yes.

22 Q. And just to explain the warehouse,
23 it has two separate entryways; one that leads
24 upstairs and one that goes downstairs?

25 A. That's correct. Yeah. There's a

1 ramp to go to the second floor.

2 Q. And they are divided by some sort
3 of --

4 A. Wall.

5 Q. Yeah.

6 A. In --
7 Yeah.

8 LANCE LANDGRAF: So, there's -- to
9 be clear, there's no expansion -- was no
10 expansion, we're not proposing any expansion.
11 It's just gonna be warehouse, roughly 17,000
12 square feet.

13 THE WITNESS: Yeah.

14 LANCE LANDGRAF: Okay.

15 JOSEPH DOUGHERTY: The building is
16 --

17 LANCE LANDGRAF: There was a
18 comment -- and, Christine, I guess you'll get to
19 it -- in your report that there was a thought
20 that this --

21 CHRISTINE COFONE: Right.

22 LANCE LANDGRAF: -- might be
23 expanding.

24 So, why don't we go to that now, if
25 you're -- you guys are finished with your

1 positive testimony.

2 JOSEPH DOUGHERTY: Yes.

3 LANCE LANDGRAF: Christine, why
4 don't you go through your report?

5 I think, Scott, you might want to
6 swear her in first.

7 SCOTT COLLINS: I think she
8 continues to be under oath. She's been sworn a
9 number of times, and you just need to recognize
10 that.

11 LANCE LANDGRAF: Okay.

12 CHRISTINE COFONE: Right.

13 SCOTT COLLINS: The point, then,
14 would be --

15 LANCE LANDGRAF: For the record,
16 Christine Cofone has been sworn before this
17 board and will be providing testimony today.

18 CHRISTINE COFONE: September 29th.
19 Yes.

20 So, good morning. For the record,
21 Christine Nazzaro Cofone.

22 We reviewed all of the application
23 submission documents and then we prepared a
24 letter/report dated September 29th, 2017.

25 So, I think most things in our

1 report have been addressed.

2 I just wanted to indicate that all
3 of the space that is being utilized -- or
4 devoted to the self-storage, regardless of who
5 used it -- whether it's leased or rented out
6 doesn't really matter. Really, what our report
7 wanted to get at was that, as long as there's no
8 additional space than was -- than was what was
9 previously utilized or devoted to the storage
10 space. So, that would trigger an expansion.

11 If that's -- if what you're telling
12 us on the record and through the documents that
13 you submitted is that all the space that's
14 devoted to self-storage, regardless of who uses
15 it, the owner or, you know, a tenant or a
16 sublease, had previously been utilized this way,
17 then we would agree that no use variance would
18 be -- or no expansion of a non-conforming use
19 relief would be required, at all.

20 LANCE LANDGRAF: It's all warehouse
21 storage, though, not self-storage. It's all
22 warehouse.

23 ROBERT REID: Right.

24 CHRISTINE COFONE: Okay. So, it's
25 warehouse storage. Right.

1 LANCE LANDGRAF: Okay. So, you say
2 -- you believe that everything's been addressed
3 in your report to your satisfaction?

4 CHRISTINE COFONE: I do. Yes.
5 Absolutely.

6 LANCE LANDGRAF: So, mark that
7 letter dated September 29th from Christine
8 Cofone Consulting Group as B-1, Scott.

9 SCOTT COLLINS: That's right.
10 Thank you.

11 LANCE LANDGRAF: All right.
12 Anything from you, Rob? Do you have anything to
13 add?

14 ROBERT REID: Yeah. Everything is
15 fine.

16 It originally was a clothing
17 factory, but, before '79, it was converted to a
18 warehouse.

19 LANCE LANDGRAF: Okay.

20 ROBERT REID: So, it meets all the
21 criteria.

22 LANCE LANDGRAF: Okay.

23 CHRISTINE COFONE: Okay. I love
24 Rob Reid's -- always the historic lesson. I'm
25 in awe. He's a wealth of information on all

1 things Atlantic City and historical uses. I'm
2 fascinated by it every time.

3 LANCE LANDGRAF: Rob has lived in
4 every neighborhood in the city --

5 ROBERT REID: Yeah.

6 CHRISTINE COFONE: He has.

7 LANCE LANDGRAF: -- and knows all
8 the buildings.

9 ROBERT REID: I certainly know the
10 buildings. Yeah.

11 CHRISTINE COFONE: It's awesome.

12 LANCE LANDGRAF: All right. I'll
13 open it up to the public portion for today.

14 Seeing none, we'll close the public
15 portion. I guess I should use my gavel.

16 What we'll do is we'll prepare a
17 hearing officer report from today's hearing, get
18 that on our November agenda. And we should be
19 fine.

20 JOSEPH DOUGHERTY: Great.

21 LANCE LANDGRAF: All right.

22 THE WITNESS: Thank you.

23 LANCE LANDGRAF: Seeing nothing
24 else, --

25 JOSEPH DOUGHERTY: Thank you.

1 LANCE LANDGRAF: -- we'll close the
2 meeting for today.

3 BRIAN CULLEN: Thanks.

4 LANCE LANDGRAF: Thank you, guys.
5 Thanks for your patience with the notices.

6 CHRISTINE COFONE: Okay. Have a
7 good day, everybody.

8 JOSEPH DOUGHERTY: Take care.
9 Thank you.

10 LANCE LANDGRAF: Thanks, guys.

11 CHRISTINE COFONE: Bye.

12 LANCE LANDGRAF: The next hearing
13 will be October 19th, at 10 A.M.

14 JOSEPH DOUGHERTY: So, and then
15 this one goes before the actual authority board
16 on November --

17 LANCE LANDGRAF: 21st.

18 JOSEPH DOUGHERTY: Right.

19 Thanks.

20 ROBERT REID: See 'ya, Joe.

21 JOSEPH DOUGHERTY: Thank you.

22

23 (This public hearing concluded at

24 10:26 A.M.)

25

CSR ASSOCIATES

Certified Court Reporters

1442 New Road
Northfield, New Jersey 08225

Phone (609) 641-7117

Fax (609) 641-7640

E-Mail csr@csrcourtreporters.com

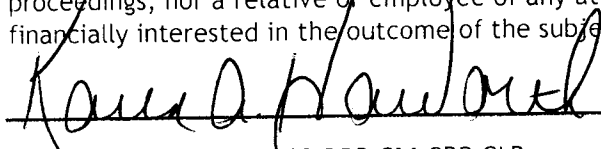
- All NJ Certified Court Reporters (CCRs)
- 42 Years' Experience
- Nationally Certified: Registered Professional Reporters (RPRs)
Certificate of Merit Reporters (CMs)
Certified Realtime Reporters (CRRs)
- Realtime/Daily/Expedited Transcript Delivery
- LiveNote™ Certified Reporters (CLR)
Attorney Realtime Connection to Reporter
- "Rough Draft" Transcripts
- Videotaping/Copies/Courtroom Playback
- Videoconferencing
- Videosynchronization of transcript to DVD
- Internet Realtime Depositions
- Interpreters
- Condensed (minis) with Word Index
- Exhibit Scanning with Hyperlinking of Exhibit ID to Transcript
- Exhibit Attachment to Transcript (including color copies, oversized)
- 24-hour Accessibility to Owner
- Audiotapes Transcribed/Copied
- ADA Computer Assisted Realtime Translation (CART) Proceedings
- Conference Room (with TV, DVD player)

ESTABLISHED IN 1980

COURT REPORTER'S CERTIFICATION FOR THIS TRANSCRIPT

I, KAREN A. HAWORTH, a New Jersey Certified Court (formerly known as Shorthand) Reporter (CCR), national standing as a Registered Professional Reporter (RPR), Certificate of Merit holder (CM/RMR), Certified Realtime Reporter (CRR), Certified LiveNote™ Reporter (CLR), and Notary Public of the State of New Jersey, hereby certify that the proceedings were reported by me fully and accurately stenographically, reduced to typewritten form under my personal direction and supervision, and that this is a true and correct transcript of the proceedings in this matter.

I further certify that I am neither an attorney nor counsel of any of the parties in the subject proceedings, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in the outcome of the subject proceedings.



KAREN A. HAWORTH, CCR,RPR,CM,CRR,CLR
(NJ) Certified Court Reporter (License No. 915)
(US) Registered Professional Reporter (RPR)
(US) Certificate of Merit holder (CM/RMR)
(US) Certified Realtime Reporter (CRR)
(US) Certified LiveNote™ Reporter (CLR)

Certification of the within transcript does not apply to any reproductions of same by any means, unless under the direct control and supervision of the certifying court reporter.

SIGN IN SHEET

DATE: Oct 5, 2019 - LUPED Hearing.

NAME	FIRM	ADDRESS 1	ADDRESS 2	PHONE NUMBER
Joz Davernity		5409 WINDICRISTAL AVE	VACANT NR, NJ 08416	609 517-1222