

CASINO REINVESTMENT DEVELOPMENT AUTHORITY  
LAND USE REGULATION AND ENFORCEMENT DIVISION

HEARING

RE: DRITAN JONUZI

2017-09-2283

Thursday - December 7, 2017

CASINO REINVESTMENT DEVELOPMENT AUTHORITY  
HEARING, taken in the offices of CASINO  
REINVESTMENT DEVELOPMENT AUTHORITY, 15 South  
Pennsylvania Avenue, Atlantic City, New Jersey,  
before, Karen Winkler, a Certified Court Reporter  
of the State of New Jersey, on the above  
date, commencing at 10:08 A.M., there being present:



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1 APPEARANCES :

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LANCE B. LANDGRAF JR.,  
Hearing Officer

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RYKER, DANZIG, SCHERER, HYLAND  
& PERRETTI, LLP

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BY: SCOTT G. COLLINS, ESQUIRE  
Attorney for CRDA

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ROBERT L. REID,  
Land Use Regulation Enforcement  
Officer

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CHRISTINE A. COFONE, PP, AICP  
Cofone Consulting Group, LLC  
Professional Planner

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1 APPEARANCES - CONTINUED:

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CALLAGHAN, THOMPSON & THOMPSON, P.A.

BY: BRIAN J. CALLAGHAN, ESQUIRE

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Attorney for Dritan Jonuzi

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1 MR. LANDGRAF: Application

2 2017-09-2283. Dritan Jonuzi?

3 MR. CALLAGHAN: Correct.

4 MR. LANDGRAF: Mr. Callaghan, I see  
5 you're here for this application. If you want to  
6 introduce it.

7 First, we got notice? We're good?

8 MR. REID: Yeah. I reviewed the public  
9 service notice and everything is in order. We have  
10 jurisdiction to hear this application.

11 MR. CALLAGHAN: Good morning. Brian  
12 Callaghan of the law firm Callaghan, Thompson &  
13 Thompson on behalf of Dritan Jonuzi. This is for  
14 the property known as 1708 Atlantic Avenue, block  
15 156, lot 10. We're seeking a certificate of  
16 nonconformity and we're in that weird zone of CBD  
17 where the commercial at the ground level is  
18 permitted. We only have one apartment above. One  
19 apartment's not permitted. If I had three  
20 apartments, I would be permitted, but I don't.

21 So, Mr. Collins, our application is A-1  
22 which really walks you through it. 61 property  
23 record cards shows the apartment. We then pulled a  
24 '61 Polk Directory, '65 Polk Directory. We then  
25 looked at the prior owners. The Brett family owned

1 the property in '61. It was an optometrist's office  
2 with property above. They sold the property to the  
3 Schoppys who had their trophy business and then they  
4 sold it to the Mitchells who were the Gypsies who had  
5 the Gypsy store down below and they lived above.

6 MR. LANDGRAF: The Gypsies?

7 MR. CALLAGHAN: Anybody who's lived in  
8 Atlantic City knows the Gypsies. They had three or  
9 four Gypsy places throughout the city. You had a  
10 bump in your car, they'd fix your car. But they  
11 were the Gypsies and they lived above.

12 The property then got foreclosed on. It  
13 was foreclosed. We bought it from the bank. It's  
14 been empty for a number of years, but I think, as  
15 your report says, mere nonuse doesn't constitute  
16 abandonment. Everything is still there.

17 The Jonuzis are people who have been in  
18 the city for a substantial period of time. They own  
19 the Chelsea Pizza across the street, which is theirs,  
20 so I think that's 1731 Atlantic. They own 1733  
21 Atlantic. They've bought this one here, 1708  
22 Atlantic and are under contract to buy 1624 Atlantic.

23 So they're trying to take some of the properties  
24 that have been substandard, a little bit below the  
25 radar and get them fixed up in doing this.

1 MR. LANDGRAF: Glad to hear that.

2 MR. CALLAGHAN: Our application is  
3 that, asking for the one apartment above instead of  
4 three.

5 MR. LANDGRAF: Okay. Christine, do you  
6 want to go through your report?

7 MS. COFONE: Yeah. Good morning.  
8 Christine Cofone. My office did issue a report on  
9 this on November 8th, 2017.

10 Mr. Callaghan, I completely agree with  
11 you. In order for an abandonment to occur, there has  
12 to be an overt act or intent of abandonment. Even  
13 though we see sometimes ordinances that say after one  
14 year the use will be constituted as abandoned, this  
15 is not my understanding. Also, if you had an  
16 opportunity to read the Eltrym Euneva case from  
17 Keansburg, which is Myrtle Avenue spelled backward,  
18 was my abandonment case. It was my clients. I would  
19 categorically agree that just simple nonuse of the  
20 structure, it could be nonuse for a period of 20  
21 years and that still wouldn't constitute an  
22 abandonment. I don't think we have an abandonment  
23 issue here with this particular case.

24 I have not been in the structure, so you  
25 will have to represent on behalf of your client that

1 it is intact and the board can consider that  
2 representation. So long as the board is comfortable  
3 with that representation that you're affirming that  
4 there has been no overt act or all the systems for  
5 the one apartment are still in place, I'm comfortable  
6 with accepting that.

7 MR. LANDGRAF: Okay.

8 MR. CALLAGHAN: And they are. My  
9 client, in fact, has painted the place and just put  
10 in new carpeting, took out the old carpeting, so  
11 we're in the process of doing that. The downstairs  
12 store, once again, that's not part of the  
13 certificate of nonconformity, but he's in the  
14 process of trying to find a new tenant for that  
15 store and, once again, renovate it and get it up to  
16 speed.

17 MS. COFONE: The downstairs is  
18 permissible. The downstairs conforms with the  
19 zoning. The problem is you need to have more than  
20 one apartment above, so there's really no issue.  
21 Even if the downstairs is vacant, I don't think  
22 that's positive or negative to your application one  
23 way or the other.

24 MR. LANDGRAF: And that also changes  
25 when the regs come in.

1 MS. COFONE: Correct.

2 MR. REID: You'll be out of a job,  
3 Brian.

4 MR. CALLAGHAN: Out of a job.

5 MR. LANDGRAF: The other aspect of this  
6 and, Brian, please, let most of your clients know  
7 this, that once our new regulations are adopted,  
8 these certificates of nonconformity will be -- for  
9 the next five years, they will be an  
10 over-the-counter.

11 MR. CALLAGHAN: Administratively.

12 MR. LANDGRAF: We extended the one year  
13 to five. We're going to reach out to ones that  
14 we're aware of. We certainly don't know them all.  
15 As many as possible that we're going to reach out  
16 from a land use department perspective to let them  
17 know, hey, look, you got an existing nonconforming  
18 use.

19 MR. REID: You'll need to demonstrate  
20 it's lawfully operated.

21 MR. CALLAGHAN: Put a nice package  
22 together to show you that they technically meet the  
23 test date and they can be administratively approved.

24 MR. LANDGRAF: But the requirement to  
25 come in as a public hearing would be eliminated.



1 MS. COFONE: Which is nice. You don't  
2 have to post escrow and it's more efficient and  
3 better for the public.

4 MR. CALLAGHAN: Take that  
5 administrative back over to the city, get their land  
6 use, pull their permit and get running on these  
7 properties.

8 MS. COFONE: Absolutely.

9 MR. LANDGRAF: Agreed.

10 MR. REID: Lance, I know it will be a  
11 surprise to you, but my back yard adjoined the back  
12 yard of this property in 1966, so I can agree with  
13 everything that was testified to today.

14 MR. CALLAGHAN: Is that right?

15 MR. REID: Yes.

16 MR. LANDGRAF: Rob has either been on,  
17 walked at or lived at every property in Atlantic  
18 City.

19 MS. COFONE: You can get nothing by  
20 him.

21 MR. REID: It's a statement of fact.  
22 My back yard adjoined this back yard.

23 MR. LANDGRAF: He can certainly testify  
24 that there's a jail in the city of Atlantic City.

25 MR. REID: Yes, I can.

1 MR. LANDGRAF: Anything else, Mr.  
2 Callaghan?

3 MR. CALLAGHAN: Nothing else.

4 MR. LANDGRAF: Open this meeting up to  
5 the public. If anyone's here on application  
6 2017-09-2283, please, step forward.

7 Seeing none, we'll close the public  
8 portion and, as I said before, Brian, we hope to have  
9 January. They were talking about right at the end of  
10 the month. They want to push it past inaugural day.  
11 If I can get it on I certainly will.

12 MR. CALLAGHAN: Very good.

13 MR. LANDGRAF: Thank you.

14 MR. CALLAGHAN: Thank you, very much.

15 MR. LANDGRAF: Have a great holiday.

16 MR. CALLAGHAN: Thank you. Same to you  
17 guys.

18 (The hearing was concluded at 10:15  
19 A.M.)

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# CSR ASSOCIATES

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DATE: 12/7/2017 WEEK 11th

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