

**CASINO REINVESTMENT DEVELOPMENT AUTHORITY**

**LAND USE REGULATION and ENFORCEMENT DIVISION**

BAHAA SAID (MR. B'S AUTO REPAIR)  
SEEKING CONDITIONAL USE APPROVAL, SITE PLAN  
APPROVAL, "C" VARIANCES FOR PARKING AND SETBACKS,  
FOR PARKING LOT PREVIOUSLY CONSTRUCTED WITHOUT  
PRIOR APPROVALS

BLOCK 388, LOTS 5-8  
Fairmount and Georgia Avenue,  
Atlantic City, NJ

Thursday - November 1, 2018  
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1                   Public hearing in the  
2   above-referenced matter, taken at Council  
3   Chambers, Room 206, CITY OF ATLANTIC CITY, CITY  
4   HALL, 1301 Bacharach Boulevard, Atlantic City,  
5   New Jersey, before Karen A. Haworth, a New  
6   Jersey Certified Court Reporter (CCR),  
7   nationally certified Registered Professional  
8   Reporter (RPR), nationally certified Certificate  
9   of Merit holder (CM), nationally certified  
10  Certified Realtime Reporter (CRR), a Delaware  
11  Certified Shorthand Reporter (CSR), nationally  
12  certified Certified LiveNote™ Reporter (CLR),  
13  and Notary Public of the State of New Jersey, on  
14  the above date, commencing at 10:01 A.M., there  
15  being present:

16

17

18

19   APPEARANCES:

20   CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

21

22   LANCE B. LANDGRAF, JR.

Chairman

23   Director, Planning Department

24

25   ROBERT L. REID

1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2

3 RUDY S. RANDAZZO, ESQUIRE

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

4

5 CHRISTINE COFONE

COFONE CONSULTING GROUP

6

7 JEFFREY HANSON

HANSON PLANNING

8

9

10

11

12

13 COUNSEL FOR THE APPLICANT:

14 HANK N. ROVILLARD, ESQUIRE

LAW OFFICE OF HANK N. ROVILLARD

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I N D E X

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WITNESS(ES)

PAGE NO.

JAY SCIULLO

By: Mr. Rovillard

10

EXHIBITS MARKED AND/OR REFERRED TO:

A-1

B-1

1 (Time noted: 10:01 A.M.)

2

3 LANCE LANDGRAF: I'll call to order  
4 the November 1st, 2018 CRDA Land Use Regulation  
5 and Enforcement Division hearing.

6 This hearing has been noticed in  
7 accordance with the Senator Byron M. Baer Open  
8 Public Meetings Act.

9 If everyone would please rise for  
10 the Pledge of Allegiance.

11 (The Pledge of Allegiance was  
12 recited at this time.)

13 LANCE LANDGRAF: Thank you.

14 I want to make note that  
15 Mayor Gilliam has joined us this morning.

16 Thank you, Mayor.

17 MAYOR FRANK GILLIAM: Thank you.

18 LANCE LANDGRAF: Thank you for your  
19 hospitality and letting us have our meetings  
20 here in this room. I think this is a great step  
21 forward between the CRDA and the City of  
22 Atlantic City --

23 MAYOR FRANK GILLIAM: Thank you.

24 LANCE LANDGRAF: -- and we  
25 appreciate you coming.

1                   MAYOR FRANK GILLIAM: Thank you for  
2     having me.

3                   And also, anything the city can do  
4     to help this process go any smoother, let us  
5     know.

6                   And again, welcome, and we're  
7     looking forward to some great things.

8                   LANCE LANDGRAF: Great.

9                   CHRISTINE COFONE: Good morning.

10                  LANCE LANDGRAF: Thanks, Mayor.

11                  MAYOR FRANK GILLIAM: Thank you.

12                  ROBERT REID: Thanks for coming, as  
13     well.

14                  LANCE LANDGRAF: So, this is our  
15     first hearing in city hall. We typically hold  
16     these hearings at our CRDA offices, but it's  
17     been moved to kind of make it smoother here in  
18     Atlantic City. We've moved our land use  
19     regulation officer, Rob Reid, to city hall here  
20     in Atlantic City. Three days a week he's here,  
21     working with residents and developers to kind of  
22     make it a one-stop shop here in the city. And  
23     we thought it would be a good idea to bring this  
24     -- this meeting, our hearings, here twice a  
25     month to have them as well here in Atlantic City

1 -- or city hall. Excuse me.

2 So, with that, we have two items on  
3 the agenda today. We have application  
4 2018-10-2513, Bahaa Said, Mr. B's Auto Repair,  
5 Fairmount and Georgia Avenue, Block 388, Lots 5  
6 to 8.

7 And the second item is application  
8 2018-10-2520, 133 South Tennessee Avenue, LLC.  
9 That's the Tennessee Avenue Beer Garden. It's  
10 on 133 South Tennessee Avenue, Block 54, Lots 13  
11 and 15.

12 First up is Mr. B's Auto Repair.

13 Mr. Rovillard?

14 HANK ROVILLARD: Good morning,  
15 everyone. Hank Rovillard, appearing this  
16 morning on behalf of Bahaa Said.

17 We're before the board this morning  
18 seeking conditional use approval, "C" variance  
19 relief, and a waiver of site plan submission  
20 requirements to permit the applicant to expand  
21 an existing auto repair and storage facility  
22 located at Block 388, Lot 5, more commonly  
23 referred to as 2401 Fairmount Avenue.

24 The subject property is located in  
25 the thoroughfare-waterfront zone, which permits

1 auto repair facilities as a conditional use.

2 In addition, we submit that all  
3 notice requirements have been filed and met  
4 pursuant to the application.

5 LANCE LANDGRAF: Rob, can we  
6 confirm that?

7 ROBERT REID: Yes. I've reviewed  
8 the proof of service provided, and we have  
9 jurisdiction to hear the application.

10 LANCE LANDGRAF: Great.

11 HANK ROVILLARD: Thank you,  
12 Mr. Reid.

13 And finally, in attendance today,  
14 in support of the application, is Jay Sciullo, a  
15 licensed professional engineer and planner,  
16 who's prepared the site development plans filed  
17 in support of the application.

18 At this point, I would request  
19 calling Mr. Sciullo and requesting to waive  
20 formal qualifications, as he is a professional  
21 engineer and planner who's testified before you  
22 guys on many occasions.

23 LANCE LANDGRAF: Certainly.

24 Rudy, will you swear him in,  
25 please?



1 RUDY RANDAZZO: Sure.

2 Mr. Sciullo, would you raise your  
3 right hand, please?

4

5

6

7 JAY SCIULLO,

8 having been duly sworn in by Rudy  
9 Randazzo, Esquire, was examined and  
10 testified as follows:

11

12 THE WITNESS: I do.

13 RUDY RANDAZZO: Okay.

14 THE WITNESS: Thanks.

15 LANCE LANDGRAF: We've seen  
16 Mr. Sciullo here before, and we're -- we're good  
17 with his -- I almost said "cool" --

18 HANK ROVILLARD: Very cool.

19 LANCE LANDGRAF: -- we are good  
20 with his qualifications.

21 He's a licensed professional  
22 planner and professional engineer.

23 THE WITNESS: Thank you.

24 HANK ROVILLARD: Thank you,  
25 Mr. Landgraf.

1 LAND LANDGRAF: Yep.

2

3 DIRECT EXAMINATION

4 BY HANK ROVILLARD:

5 Q. Jay, you are a licensed  
6 professional planner and engineer in the State  
7 of New Jersey. Correct?

8 A. I am.

9 Q. And you've, personally, viewed and  
10 inspected the subject property?

11 A. I have.

12 Q. And you are -- are you familiar  
13 with the Casino Reinvestment Development  
14 Authority "Tourist" [stated incorrectly]  
15 District land use development rules?

16 A. I am.

17 Q. And did you or someone under your  
18 control prepare the site development plan filed  
19 in support of the application?

20 A. Yes.

21 Q. Then would you describe the  
22 property, as it exists, today for the board?

23 A. Sure. And I'll refer to what is  
24 generally a color version of the site plan  
25 submitted to the CRDA as part of the

1 application.

2 The site is located on the corner  
3 of Georgia and Fairmount Avenue.

4 The facility is an existing  
5 building. It has, right now, are buildings --  
6 they have party walls. It looks like one  
7 structure. There's seven different thin but  
8 relatively deep garage bays that make up this  
9 one building area that we are now proposing to,  
10 generally, incorporate three of those bays into  
11 an existing business.

12 This application stands alone as  
13 just those three bays, plus a surface parking  
14 area.

15 The -- the buildings are concrete  
16 and brick, flat-top roof, just garage doors on  
17 the front. They look like many other buildings  
18 that are in this section, which are also auto  
19 repair facilities, generally, surrounding this  
20 site.

21 Q. Would you describe our proposal for  
22 the board?

23 A. Sure. A little bit of history.

24 You guys probably remember that  
25 these properties were purchased by another

1 developer a few years back and some work was  
2 done there without permits, one of which was to  
3 remove what was a fourth garage bay that was  
4 right on the corner of Georgia and Fairmount.  
5 And that garage bay was replaced with surface  
6 concrete parking area.

7           What we propose to do now is,  
8 generally, legalize that -- that work and also  
9 create an improvement to the flow of the  
10 facility by, generally, opening up one of the  
11 walls to allow vehicles to continue through the  
12 site.

13           So, generally, as maybe most of you  
14 have seen, the garage doors face Fairmount  
15 Avenue. The cars pull in off of Fairmount and,  
16 in some of the other existing buildings that  
17 surround the site, when the work is completed or  
18 partially completed, whatever, they back them  
19 out into Fairmount.

20           What we propose to do to improve  
21 the condition is, between two of the bays, there  
22 is a 20-foot wide opening in the party wall.  
23 And I want to clarify that our plan originally  
24 said ten-feet wide. That's my mistake. It's 20  
25 feet. We measured it the other day to confirm.

1           And also, we're going to put a  
2 garage door on the outside wall so that cars can  
3 pull through it and out to Georgia Avenue. That  
4 opening was shown originally as ten feet. We  
5 propose to widen it to 15 feet for an easier  
6 flow. Standing in the facility, there's 15 feet  
7 clear between the walls. The traffic movement  
8 will work pretty well.

9           And the -- the applicant has also  
10 stated, too, that, when they move the cars  
11 around, obviously, they have spotters and they  
12 jockey it as many times as they have to. They  
13 have dollies to roll everything, too. They'll  
14 be able to make the maneuver.

15           For the purpose of this  
16 application, being that most of the other jobs  
17 -- or the other facilities back into Fairmount,  
18 we know that we don't want that to happen, so  
19 we're going to do whatever we have to do to make  
20 sure that it could be pulled through.

21           So, the -- the improvements are  
22 relatively simple. Other than the opening in  
23 the outside wall, we're going to paint two  
24 parking spaces generally parallel to Georgia  
25 Avenue on that existing concrete surface, put a

1 small landscape planter against the corner to  
2 create both an inability to cross the corner by  
3 pedestrians and also, create a visual  
4 improvement on the corner.

5 And then we're only -- also going  
6 to put in a couple concrete parking stops to  
7 prevent cars from pulling directly off of  
8 Georgia into that parking area, as they do now.

9 The last thing is a small section  
10 of fence that I'm going to say is really  
11 unnecessary for the reality of this job, but the  
12 conditional use standards that this is borne by  
13 requires it. So -- or is governed by.

14 So, now the existing condition on  
15 this neighboring lot, they have a two-footer --  
16 two and a half foot high retaining wall with a  
17 fence on top of it. So, we're going to end up  
18 putting a fence directly against their fence,  
19 but, as I said, to meet the conditional use  
20 standard, that's what we need to do.

21 Now, to be clear, you heard  
22 Mr. Rovillard say that it is a conditional use.  
23 There are five or six conditions -- half a dozen  
24 conditions that we -- we need to meet.

25 Miss Cofone put in her letter that,

1     you know -- the same as we did in our plans --  
2     that we meet those conditions. And to just put  
3     them in general terms, it's, pretty much, that  
4     there's no paint booth and no work is going to  
5     be done outside. And then, also, I mentioned  
6     that fence.

7                     Other than that, it's completely  
8     permitted.

9                     The improvements that we're making  
10    to the traffic flow will be substantial relative  
11    to what could happen with backing out into the  
12    street.

13                    We have a handful of -- so-call  
14    them "C" -- well, they're going to be  
15    (c.)(1) variances, hardship variances, for  
16    existing conditions to be legalized for the  
17    existing building. Then we have one other  
18    variance for number of parking spaces.

19            Q.     So, just to go back, in your  
20    professional opinion, the proposed use today  
21    does, in fact, comply with the conditional use  
22    standards contained in the ordinance.

23            A.     Yes.

24            Q.     Correct?

25            A.     Completely.

1 Q. Okay. With regard to the bulk or  
2 "C" variances, would you highlight each  
3 requested "C" variance for the board?

4 A. All right. Now, the -- the  
5 hardship variances, the (c.)(1) variances I  
6 mentioned, these are from the land use rules,  
7 the land development rules. 19:66-517 A:1,  
8 lower case, Roman numeral 4. It's --

9 Item 2: Permitted on a lot area of  
10 5,000 square feet, where we have 4,725.

11 Item 3: Minimum lot depth of a  
12 hundred is required. We have 75 existing.

13 Number 6: Maximum building  
14 coverage of 30 percent permitted where we have  
15 75 percent existing. And I'll also mention that  
16 it was a hundred percent before the previous  
17 work that took place without permits was there.

18 Maximum impervious cover, item 7:  
19 80 percent is permitted. We have a hundred  
20 percent existing. And that existed prior to the  
21 other work I mentioned.

22 Item 8: Minimum front setback of  
23 five feet is required. We have zero feet  
24 existing.

25 And item 10: A minimum rear of 20



1       **feet is required. We have zero feet existing.**

2                       **So, these are all non-conformities.**

3       **The only way to bring it into compliance would**  
4       **be to demo and rebuild the facility, which is**  
5       **unreasonable and an undue hardship.**

6               Q.       And they are -- presently, are  
7       existing?

8               A.       **They are. And they have been in**  
9       **that condition, according to tax records and**  
10       **some aerial photos, since 1930, at least.**

11              Q.       In addition to the variance for the  
12       existing non-conformities, there's a couple  
13       other variances that we're seeking today. Would  
14       you articulate them for the board?

15              A.       **Sure. We have -- we have two**  
16       **variances, as mentioned, related to parking and**  
17       **loading. And this is from the standards**  
18       **19:66-5.8.**

19                      Item B: Based on the square  
20       footage of this building, which -- or B 19 --  
21       I'm sorry -- the minimum parking required for  
22       this size building is 17.6 spaces. We have none  
23       existing. That's a grandfathered shortfall.  
24       It's always been that way. And with this  
25       improvement, we will have two going in. So, not

1 a huge improvement, but an improvement. So,  
2 because of that change, we need the -- the  
3 requested variance.

4 The other one --

5 Q. In your professional opinion, can  
6 the granting of these variances promote or  
7 advance the purposes of the Municipal Land Use  
8 Law?

9 A. They will. They will.

10 Let me just say one more thing,  
11 too.

12 The -- the next one was item C,  
13 where we have one loading space required and  
14 zero was existing. We don't propose any  
15 improvements. And again, it's been a  
16 grandfathered shortfall of loading.

17 But, yes, the -- the purposes of  
18 zoning will be advanced with this.

19 Now, for the positive criteria,  
20 since the buildings have existed in this  
21 location well before any of the current or  
22 previous zoning standards were in place, as I  
23 mentioned, to try to bring it into conformance  
24 with current regulations would be undue hardship  
25 on the applicant. It would only really be able

1 to be accomplished by a demo and rebuild.

2 The creation of the two parking  
3 spaces, as I mentioned, being that none exist  
4 today, is an improvement.

5 And, you know, since they've been  
6 in this condition for the last 80 plus years,  
7 although, obviously, traffic patterns have  
8 changed and uses have changed, we still are now  
9 adding parking spaces.

10 And then the -- the traffic  
11 movement, as I mentioned, being that we're now  
12 going to be able to pull in off the street and  
13 then turn out of these buildings, out onto  
14 Georgia Avenue to be able to create a  
15 circulation pattern that doesn't back into  
16 Fairmount, is a huge improvement to traffic  
17 flow.

18 And for that reason, I think one of  
19 the purposes of zoning -- at least one -- is --  
20 is advanced, which is enumerated at 40:55D-2 in  
21 the land use act -- Municipal Land Use Law. It  
22 would be item "H," to encourage location, design  
23 or transportation routes which permit the free  
24 flow of traffic, which is exactly what this  
25 does.

1                   Also, I want to say that the intent  
2 of the Tourism District -- Tourism District  
3 master plan is advanced, since this application  
4 is for expansion and enhancement of an existing  
5 successful business in the Tourism District  
6 that's going to improve the safety,  
7 functionality and appearance of that facility.

8                   For the negative criteria, these  
9 improvements will not create any negative impact  
10 to the public good. As mentioned, we're going  
11 to now improve the traffic flow in this -- for  
12 this corner, plus, also, create a couple parking  
13 spaces that don't exist today.

14                   And I feel that it's appropriate to  
15 grant this relief in lieu of any kind of zoning  
16 change, rule, modification to the zoning  
17 ordinance.

18                   And it's my professional opinion,  
19 based on these reasons, that these variances can  
20 be granted without substantial detriment to the  
21 public good, the zone plan, the zoning  
22 ordinance, or the master plan.

23                   Q.       Thank you.

24                   A.       Thank you.

25                   HANK ROVILLARD: We have nothing

1 further, Mr. Landgraf.

2 LANCE LANDGRAF: Okay. A couple of  
3 questions.

4 THE WITNESS: Sure.

5 LANCE LANDGRAF: The driveway that  
6 you're adding onto Georgia Avenue, Georgia  
7 Avenue is one-way going away from Fairmount.  
8 Correct?

9 THE WITNESS: Yep.

10 LANCE LANDGRAF: So, that -- the  
11 distance from that driveway to that intersection  
12 with Fairmount, does that -- that meets  
13 standards? That meets our current minimum  
14 required distance there?

15 THE WITNESS: Well, the -- the  
16 standard is just saying that the driveways have  
17 to be located pursuant to AASHTO standards to  
18 create no conflict.

19 LANCE LANDGRAF: Right.

20 THE WITNESS: Being that it's only  
21 two parking spaces and there are other driveways  
22 that are within those distances, all over, I  
23 would -- in my opinion, it would be that it  
24 wouldn't create any potential traffic harm,  
25 especially given that the existing condition,

1 you back out into that corner.

2 LANCE LANDGRAF: Right.

3 Could you add a dimension from that  
4 curb radius to your driveway on your plan --

5 THE WITNESS: Of course.

6 LANCE LANDGRAF: -- just to show  
7 that dimension?

8 It's not showing on here, --

9 THE WITNESS: Absolutely.

10 LANCE LANDGRAF: -- and I would ask  
11 that you do that.

12 THE WITNESS: And it will be just

13 --

14 From the right-of-way line, it will  
15 be 30 feet -- I'm sorry -- 23 feet. And then  
16 add ten feet for the sidewalk. So, we're 33  
17 feet from the travel lane.

18 LANCE LANDGRAF: Okay. Good.

19 A couple other quick questions.

20 What type of loading occurs there?

21 It doesn't seem like it's a --

22 THE WITNESS: It's not very much.

23 He actually --

24 As I mentioned, Mr. B has, also,  
25 the other section here, and then he has this

1 corner that he uses. (Witness indicating.) And  
2 deliveries mostly take place over there. It's  
3 tires most of the time.

4 LANCE LANDGRAF: Okay.

5 THE WITNESS: It's a small parts --

6 It's a small --

7 You've seen the cars running

8 around, --

9 LANCE LANDGRAF: Mmm-hmm.

10 THE WITNESS: -- the little green

11 and yellow ones with auto parts.

12 It's that kind of delivery most of

13 the time.

14 LANCE LANDGRAF: Okay. What were

15 the prior uses before one building was torn down

16 and --

17 THE WITNESS: Yeah.

18 LANCE LANDGRAF: -- the parking was

19 added illegally?

20 THE WITNESS: Well, we were

21 actually --

22 Hank and I went over a couple days

23 ago with Mr. B to go check that -- that door

24 opening that I mentioned, the party wall. And

25 Mr. B pointed out in the floor that there used

1 to be chain ties for a pulley system to pull  
2 cars in and out. It's always been auto repair.

3 There was one short time that  
4 Mr. Reid had mentioned to me, looking at tax  
5 records, that one space may have been like an  
6 ice cream shop. But, it's been retail or auto  
7 repair since the beginning.

8 I want to clarify, too, that one of  
9 the units -- one of the three bays, being that  
10 we can't create the connection for the vehicles  
11 that continue through, that one bay will be just  
12 for storage of parts and inventory.

13 LANCE LANDGRAF: So, the auto  
14 repair, the tires, mounting of tires and things,  
15 will happen in the two bays most proximate to  
16 Georgia Avenue.

17 THE WITNESS: Correct.

18 LANCE LANDGRAF: Okay. All right.  
19 I have nothing further.

20 Do you have anything, Christine, to  
21 add to your report?

22 CHRISTINE COFONE: I just have a  
23 quick question. Yes.

24 I will go through my report.  
25 Mr. Sciullo addressed most of it on direct.



1 I would agree that the applicant  
2 does meet the six conditional use requirements.  
3 I understand your position on the fence; that  
4 there is a conditional use requirement that the  
5 fencing be maintained along all property lines  
6 except the front. So, in order to comply and  
7 not to trigger a "D" variance, you need to have  
8 that.

9 THE WITNESS: For sure.

10 CHRISTINE COFONE: And as far as  
11 the "C" variances, I agree with you that the  
12 (c.)(1) statutory criteria would apply, given  
13 the lawful pre-existing structures on the  
14 property.

15 I know you cited criteria "H," the  
16 free flow of traffic, as your special -- or as  
17 your positive criteria purpose of the land use  
18 law.

19 I think, also, reliance on criteria  
20 "I," a desirable visual environment, would be  
21 appropriate here.

22 And in the -- looping that in,  
23 you're proposing the planter box. And I  
24 reviewed your plans, and you have a detail of  
25 that, but I did not see -- and I understand it's

1 probably a seasonal planter box, but I think it  
2 would be appropriate for the applicant to  
3 accept, if there were any conditions of  
4 approval, that that planter box be maintained  
5 with some type of seasonal landscaping.

6 I know you provided details of the  
7 planter or box, the construction of the box, on  
8 your plan, but, you know, it's certainly not the  
9 type of thing --

10 In the TWD District, you want to  
11 upgrade the appearance of structures. So, I'd  
12 hate to see the box sit there and not have  
13 plantings in it, because then I think it would  
14 take away from the curb appeal.

15 So, I think, as a condition of  
16 approval, given the fact that this is -- there  
17 are a lot of non-conformities, that if we are  
18 relying on upgrading of the site, then that  
19 should be that that box be maintained as  
20 planted.

21 And I understand, again, it's not  
22 -- it wouldn't really be appropriate for me to  
23 say what type of planting material that you  
24 would put in there on your plan, but I think  
25 that there should just be a representation on

1     behalf of the applicant that that box will be  
2     planted at all times with seasonal material and  
3     maintained as such.

4                     I think --

5                     So, you can, I think, rely on  
6     criteria "I."

7                     I think you could also rely on  
8     criteria "G" in this particular case; sufficient  
9     space in appropriate locations for a variety of  
10    uses.

11                    You do meet all of the conditional  
12    use standards, and while there are some  
13    non-conformities, this is still an appropriate  
14    location for that use, because you do meet all  
15    of the standards.

16                    And we did ask for some  
17    clarification on the turning movements, and I  
18    think Mr. Sciullo adequately addressed those  
19    issues raised on page 5 of our report that  
20    talked about some of the turning movements.  
21    So...

22                    And I do think it's a benefit to  
23    not have the cars backing out on Fairmount  
24    Avenue. I think that traffic safety and  
25    circulation and flow in and around and to this

1 site will be improved by the application over  
2 what exists on the site today.

3 So, I think, certainly, I would  
4 support criteria "H" as well.

5 So, I think Mr. Sciullo did walk  
6 through all of our letters.

7 That would just be my comment; that  
8 I would recommend, as a condition of approval,  
9 that that planter box be maintained with  
10 appropriate seasonal landscaping at all times.

11 HANK ROVILLARD: Just for the  
12 record, we would truly agree to that condition.

13 CHRISTINE COFONE: Thank you.

14 THE WITNESS: Can I throw in two  
15 things, too, that --

16 You provided me one of them.

17 CHRISTINE COFONE: Sure.

18 THE WITNESS: I spoke to Bill  
19 England yesterday and the day before about the  
20 comments after we figured out the width of that  
21 actual opening in the party wall.

22 One other comment that was made at  
23 the end of the letter, in Miss Cofone's letter,  
24 that Mr. England put together, those two  
25 comments, was potentially moving the parking

1 spaces that are in the Georgia Avenue frontage  
2 closer to Georgia Avenue to give it a little  
3 more space against the building.

4 One of the conditions of the use is  
5 that nothing be stored within five feet of the  
6 lot line. So, I explained that to him. We can  
7 move them, of course, because I don't know if  
8 parking is considered storage, but it's all kind  
9 of tied together.

10 So, either way, it will work. It  
11 won't be a problem.

12 And one other thing I want to  
13 mention. You'll see on the rendering here we  
14 have this sign shown. That sign is proposed on  
15 the leading corner of the building closest to  
16 Georgia Avenue. It's fully compliant with the  
17 standards for signage in the district. So, I  
18 just want to make sure, too, that that's  
19 included as part of the application.

20 CHRISTINE COFONE: Given the fact  
21 that this is an auto body shop, I would say, if  
22 it was an employee's car, it probably wouldn't  
23 be storage. I think somebody could make an  
24 argument that if you were repairing that vehicle  
25 on site and you were storing it in that

1 location, I think an argument could be made that  
2 it is storage.

3 So, I would recommend you just  
4 comply with the requirement --

5 THE WITNESS: Just --

6 CHRISTINE COFONE: -- and not have  
7 storage within five feet of the property line,  
8 because then I think that that makes it a  
9 non-issue.

10 THE WITNESS: Yeah. I agree.

11 Thank you.

12 LANCE LANDGRAF: Thank you,  
13 Christine.

14 For the record, I'll note that the  
15 Cofone Consulting Group, LLC review letter of  
16 October 29th, 2018 we marked as B-1 for the  
17 file.

18 And, Jay, is that the same plan we  
19 received?

20 THE WITNESS: It's colored. It  
21 looks a little different.

22 LANCE LANDGRAF: All right.

23 THE WITNESS: So, we'll make it  
24 A-1.

25 HANK ROVILLARD: Do you want to

1 make it A-1?

2 LANCE LANDGRAF: A-1.

3 All right. I just want to make  
4 sure I got all my comments.

5 There's a couple of drafting things  
6 on the plan that we'll clean up when we finalize  
7 them.

8 THE WITNESS: Okay.

9 LANCE LANDGRAF: Just some --

10 It looks like some notes got left  
11 there that need to be moved over. So, I'll --  
12 I'll show --

13 I have them marked up on my plan.  
14 I'll show you those after.

15 THE WITNESS: Okay. Thank you.

16 LANCE LANDGRAF: Just a note. For  
17 a compliance plan, I'll show you those. We'll  
18 take them off.

19 THE WITNESS: Okay.

20 HANK ROVILLARD: All right. Thank  
21 you.

22 LANCE LANDGRAF: With that, I'll  
23 open it up to the public. Anybody here in the  
24 public wishing to speak, please step forward,  
25 state your name, and make any comments.

1                   Seeing none, I'll close the public  
2     portion.

3                   Do you have anything else? Rob?

4                   ROBERT REID: Yeah. I just wanted  
5     to say this is a substantial improvement over  
6     what the prior owner did with this property.

7                   The prior owner --

8                   The reason that structure was torn  
9     down on lot 5 is that the city actually was  
10    planning on demoing it because it was considered  
11    a hazard. And the prior owner complied with  
12    that order by tearing it down himself, and then  
13    decided to build a parking lot with seven cars  
14    backing out onto Fairmount Avenue -- I mean, out  
15    onto Georgia, without any approvals.

16                  So, this is substantial  
17    improvement, where we've actually created --  
18    utilized the parking lot with a design that  
19    actually does not permit cars backing out over  
20    the roadway. So, this is much improved over  
21    what was there previously. So, thank you for  
22    that.

23                  LANCE LANDGRAF: Okay. Nothing  
24    else? Christine? We're good.

25                  CHRISTINE COFONE: Nothing.



1 Nothing further.

2 LANCE LANDGRAF: Okay. We'll close

3 --

4 Hank, you're done?

5 HANK ROVILLARD: Oh. Thank you.

6 LANCE LANDGRAF: All right. We'll

7 close the hearing on the application

8 2018-10-2513. And we'll get a hearing officer

9 report out to you guys as soon as possible.

10 And, most likely, our December

11 board agenda you should be on.

12 HANK ROVILLARD: Thank you.

13 LANCE LANDGRAF: Thank you. All

14 right.

15

16 (This public hearing concluded at

17 10:23 A.M.)

18

19

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21

22

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25

<b>A</b>	<p><b>argument</b> 29:24 30:1  <b>around</b> 13:11 23:8 27:25  <b>articulate</b> 17:14  <b>Atlantic</b> 1:15 2:3,4 5:22 6:18 6:20,25  <b>attendance</b> 8:13  <b>Authority</b> 1:1 2:20 10:14  <b>auto</b> 1:8 7:4,12,21 8:1 11:18 23:11 24:2,6,13 29:21  <b>Avenue</b> 1:14 7:5,8,9,10,23 11:3 12:15 13:3,25 19:14 21:6,7 24:16 27:24 29:1,2 29:16 32:14  <b>away</b> 21:7 26:14  <b>A-1</b> 4:10 30:24 31:1,2  <b>A.M</b> 2:14 5:1 33:17  <b>A:1</b> 16:7</p>	<p><b>bulk</b> 16:1  <b>business</b> 11:11 20:5  <b>Byron</b> 5:7  <b>B's</b> 1:8 7:4,12  <b>B-1</b> 4:13 30:16</p>	<p><b>complied</b> 32:11  <b>comply</b> 15:21 25:6 30:4  <b>concluded</b> 33:16  <b>concrete</b> 11:15 12:6 13:25 14:6  <b>condition</b> 12:21 14:14 17:9 19:6 21:25 26:15 28:8,12  <b>conditional</b> 1:9 7:18 8:1 14:12 14:19,22 15:21 25:2,4 27:11  <b>conditions</b> 14:23,24 15:2,16 26:3 29:4  <b>confirm</b> 8:6 12:25  <b>conflict</b> 21:18  <b>conformance</b> 18:23  <b>connection</b> 24:10  <b>considered</b> 29:8 32:10  <b>CONSTRUCTED</b> 1:11  <b>construction</b> 26:7  <b>Consulting</b> 3:5 30:15  <b>contained</b> 15:22  <b>continue</b> 12:11 24:11  <b>control</b> 10:18  <b>cool</b> 9:17,18  <b>corner</b> 11:2 12:4 14:1,2,4 20:12 22:1 23:1 29:15  <b>Correct</b> 10:7 15:24 21:8 24:17  <b>Council</b> 2:2  <b>COUNSEL</b> 3:13  <b>couple</b> 14:6 17:12 20:12 21:2 22:19 23:22 31:5  <b>course</b> 22:5 29:7  <b>Court</b> 2:6  <b>cover</b> 16:18  <b>coverage</b> 16:14  <b>CRDA</b> 5:4,21 6:16 10:25  <b>cream</b> 24:6  <b>create</b> 12:9 14:2,3 19:14 20:9 20:12 21:18,24 24:10  <b>created</b> 32:17  <b>creation</b> 19:2  <b>criteria</b> 18:19 20:8 25:12,15 25:17,19 27:6,8 28:4  <b>cross</b> 14:2  <b>CRR</b> 2:10  <b>CSR</b> 2:11  <b>curb</b> 22:4 26:14  <b>current</b> 18:21,24 21:13</p>
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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.

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