

1 CASINO REINVESTMENT DEVELOPMENT AUTHORITY
2 LAND USE REGULATION ENFORCEMENT DIVISION HEARING

3 APPLICATION NO: 2024-12-3759

4 DUCKTOWN TAVERN, INC.
5 2400 ATLANTIC AVENUE
6 SITE PLAN FOR GARAGE BUILDING

7
8 APPLICANT SEEKS SITE PLAN APPROVAL WITH
9 VARIANCES FOR GARAGE BUILDING.

10 THE PROPERTY IS LOCATED AT 2400 ATLANTIC
11 AVENUE, ALSO KNOWN AS BLOCK 164, LOTS 30, 32-34 and
12 36-37 ON THE TAX MAP FOR THE CITY OF ATLANTIC CITY,
13 LOCATED WITHIN THE DUCKTOWN ARTS DISTRICT (DA).

14 THURSDAY, FEBRUARY 6, 2025

15 10:00 A.M.

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21
22 CSR COURT REPORTING SERVICES, LLC
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24 1125 Atlantic Avenue, Suite 543
25 Atlantic City, New Jersey 08401
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Public Hearing in the above-referenced matter
conducted at the CASINO REINVESTMENT DEVELOPMENT
AUTHORITY, 15 South Pennsylvania Avenue, Atlantic
City, New Jersey, taken before Michelle Gruendel, a
Certified Court Reporter and Notary Public of the
State of New Jersey, on Thursday, February 6, 2025
commencing at 10:00 a.m.

A P P E A R A N C E S:

CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

LANCE D. LANDGRAF, JUNIOR
CHAIRMAN
DIRECTOR, PLANNING DEPARTMENT

ROBERT L. REID
LAND USE ENFORCEMENT OFFICER

PROFESSIONALS TO THE BOARD:

SCOTT G. COLLINS, ESQ.
RIKER DANZIG

DAVID J. BENEDETTI, PP, AICP
ENVIRONMENTAL RESOLUTIONS, INC.

PROFESSIONALS TO THE APPLICANT:

BRIAN J. CALLAGHAN, ESQ.
FOR THE APPLICANT, DUCKTOWN TAVERN, INC.
2400 ATLANTIC AVENUE

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EXHIBITS MARKED AND/OR REFERRED TO:

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1 [COURT REPORTER'S NOTE: THE FOLLOWING
2 TRANSCRIPT WAS PRODUCED FROM THE
3 AUDIO/VIDEO TAKEN BY THE VIDEOGRAPHER
4 PRESENT AT THE HEARING.]

5 LANCE LANDGRAF: Good morning. We'll
6 call to order the February 6, 2025 Land Use
7 Regulation Division Hearing.

8 Everybody please rise for the Pledge of
9 Allegiance. It's to our left this time.

10 (Pledge of Allegiance is recited.)

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

14 We have just one item on today's agenda
15 and it's Application 2024-12-3759, Ducktown Tavern,
16 Inc., 2400 Atlantic Avenue, site plan for a
17 building and garage.

18 The applicant seeks site plan approval
19 with variances for garage building. The property
20 is located, as I said, at 2400 Atlantic Avenue, 8,
21 14, 16, 18 and 20 South Georgia Avenue, also known
22 as Block 164, Lots 30, 32 to 34, 36 to 37. It's in
23 the Ducktown Arts District.

24 Rob, we're good on notice?

25 ROBERT REID: Yes. I reviewed the proof

1 of service provided by the applicant and we have
2 jurisdiction to hear the application today.

3 LANCE LANDGRAF: Great.

4 You want to swear in our consultants,
5 including Rob, just because he -- you don't have
6 anything today?

7 ROBERT REID: No. No. I have nothing.
8 Just John.

9 SCOTT COLLINS: Okay. Could you raise
10 your right hand?

11 DAVID J. BENEDETTI, PP, AICP, having been first
12 duly sworn according to law, testified as follows:

13 SCOTT COLLINS: Okay. And Lance, we
14 recognize his credentials as an engineer,
15 professional engineer?

16 DAVID BENEDETTI: Planner.

17 SCOTT COLLINS: Professional planner.

18 LANCE LANDGRAF: We do, yes.

19 And we are complete, John? We're good?
20 Review for completeness, you guys issued a letter,
21 I believe.

22 DAVID BENEDETTI: Yes.

23 LANCE LANDGRAF: Okay. Thank you.

24 Mr. Callaghan.

25 BRIAN CALLAGHAN: Good morning. Brian

1 Callaghan on behalf of the applicant, Ducktown
2 Tavern, 2400 Atlantic Avenue.

3 As indicated, we're seeking minor site
4 plan and some bulk variances. We were here a
5 number of years ago finalizing Ducktown Tavern.
6 The client purchased the bar. It used to be
7 Callahan's Bar, no relationship, Cup & Saucer. Dr.
8 Boxman put it all together, so we've been operating
9 that. We then bought the outside property, the
10 Feriozzi property, for outside seating. We're here
11 today to do a pole barn type operation so we have
12 storage of vehicles and all the chairs and tables
13 and everything else, to doing it.

14 I have Mr. Previti as a professional
15 witness. I have Mr. Exadaktilos, managing member.
16 I'd like to have them both sworn in, and we've had
17 the opportunity to review the report so I would
18 like to have Mr. Exadaktilos initially address some
19 of the issues in there dealing with structures, how
20 they're going to be using the building and
21 everything else before Mr. Previti gets into the
22 variance application.

23 LANCE LANDGRAF: Great.

24 BRIAN CALLAGHAN: John, Andy, come on
25 up, let's get sworn in.

1 SCOTT COLLINS: Morning, gentlemen.

2 Could you raise your right hands, please?

3 JOHN C. EXADAKTILOS, having been first duly sworn
4 according to law, testified as follows:

5 ANDREW A. PREVITI, PE, having been first duly sworn
6 according to law, testified as follows:

7 SCOTT COLLINS: And Brian, I'm sorry. I
8 was writing while you were introducing the -- we
9 have a professional and a --

10 BRIAN CALLAGHAN: Andrew Previti.

11 Andrew, very quickly, just give a little
12 brief on your qualifications.

13 ANDREW PREVITI: I'm a professional
14 engineer licensed in the State of New Jersey. I've
15 been practicing since 1973.

16 LANCE LANDGRAF: We will accept Mr.
17 Previti. I've known Mr. Previti for quite some
18 time. We'll accept his expertise --

19 BRIAN CALLAGHAN: John.

20 LANCE LANDGRAF: -- in engineering and
21 planning.

22 JOHN EXADAKTILOS: My credentials?

23 BRIAN CALLAGHAN: No. You're the owner
24 of the property?

25 JOHN EXADAKTILOS: Oh, owner of the

1 property, 2400 Atlantic Avenue.

2 SCOTT COLLINS: Okay. Thank you.

3 LANCE LANDGRAF: He's a whole nother
4 issue.

5 BRIAN CALLAGHAN: John, part of the site
6 plan review --

7 LANCE LANDGRAF: John, that was a joke.

8 BRIAN CALLAGHAN: -- is that they wanted
9 to know the usage for the proposed structure, types
10 of vehicles in there. Can you go ahead and give a
11 little background on that?

12 JOHN EXADAKTILOS: So with Covid and
13 purchasing the lot for extra parking, we adapted
14 with the outdoor entertainment, seating and eatery
15 stuff. With that -- you know, beginning it was
16 temporary and then it became a legitimate structure
17 out back. Going forward, we obviously made
18 significant investments in furniture, about
19 catering, catering equipment, so on and so forth.
20 It's grown, it's growing and it's a shame to have
21 everything left outside in the elements. We had a
22 building at 20 -- 2709 Arctic Avenue that we sold
23 to the 501 -- 501(3)(c) MudGirls and that deal went
24 faster than what I anticipated so that's why I like
25 to put something on the property, so we're all

1 self-contained. Inside the -- you want to know
2 what's gonna be inside?

3 BRIAN CALLAGHAN: What's inside?

4 JOHN EXADAKTILOS: Inside we have
5 numerous catering boxes, tables, chairs, just over
6 20 picnic tables, about 24 four-tops with the
7 chairs that go with them, DJ equipment, a beer
8 trailer for our events on the property that we
9 cater off site. The vehicle that pulls it, we have
10 a secondary trailer that brings furniture to houses
11 for the most part, if they don't have any. There's
12 a second, you know, fleet vehicle, we'll call it.
13 The catering, catering and just storage. I mean,
14 also --

15 BRIAN CALLAGHAN: Second question. Are
16 you going to be storing any flammable fuels, oils
17 or other chemicals or hazardous materials?

18 JOHN EXADAKTILOS: Again, they're in the
19 vehicle, so it would be gas and oil in the car. We
20 are not gonna have, like, a 55 gallon drum of
21 diesel. We're not gonna have gas, whatever, no.

22 BRIAN CALLAGHAN: Okay. The utilities,
23 what type of utilities are we supplying?

24 JOHN EXADAKTILOS: Water, gas, electric.

25 BRIAN CALLAGHAN: No sewer?

1 JOHN EXADAKTILOS: No sewer.

2 BRIAN CALLAGHAN: No bathrooms in there?

3 JOHN EXADAKTILOS: No. No need for it.

4 BRIAN CALLAGHAN: Fine. All right. I
5 don't have any other questions, Mr. Exadaktilos. I
6 would bring up Mr. Previti, unless the board has
7 any questions.

8 LANCE LANDGRAF: One question. You said
9 water but no sewer. So it's just for wash down
10 of --

11 JOHN EXADAKTILOS: Hosing down, cleaning
12 off, a little soap and water and just runs off,
13 yeah.

14 LANCE LANDGRAF: Okay.

15 BRIAN CALLAGHAN: Andy, why don't you
16 walk them through the site. We'll talk a little
17 bit about the variance relief that we're asking
18 for.

19 ANDREW PREVITI: You heard Mr. Callaghan
20 and Mr. Exadaktilos mention the history of the
21 site.

22 BRIAN CALLAGHAN: You need me to get out
23 of your way?

24 ANDREW PREVITI: Originally --

25 BRIAN CALLAGHAN: Keep your voice up so

1 we can pick them up -- pick you up.

2 ANDREW PREVITI: All right. Originally
3 the property was simply Callahan's Bar. It
4 occupied this area here. You can see the building
5 itself occupied over 95 percent of the property at
6 that time. Consequently there was no parking on
7 site and that was related to the variance that we
8 are requesting for parking, which I don't think is
9 necessary but it's mentioned in Mr. Hanson's
10 report. Mr. Exadaktilos purchased this property in
11 2005 and converted the Callahan Bar and the
12 adjacent Tea Cup Breakfast Room and the adjacent
13 doctor's office into what is now Ducktown Tavern
14 and there is the bar and tavern in here and a
15 liquor store right adjacent to it. In 2017 Mr.
16 Exadaktilos purchased the -- what we'll call the
17 parking area property, which is this larger section
18 here. It was formerly owned by the Feriozzi
19 family. They used it for multiple purposes. At
20 one point in time these individual lots -- and
21 there is a comment from Mr. Hanson about
22 consolidation of the lots. For the record, two tax
23 bills are received, one for the original property,
24 the tavern itself, and then a separate tax bill.
25 So from a tax assessment standpoint, the lots are

1 consolidated.

2 BRIAN CALLAGHAN: We will double -- we
3 will double-check to see if that consolidation has
4 taken place by deed or whether it was just the city
5 consolidating them on their own. So we will
6 double-check that and make sure that as a
7 condition -- if it hasn't been consolidated by
8 deed, we will consolidate by deed so that they're
9 all reflected as part of one lot, legal
10 description.

11 ANDREW PREVITI: Okay. So those are
12 the -- the overall parcel is a rather large parcel
13 for this particular area. Most of the businesses
14 along Atlantic Avenue occupy upwards to 90, to 95
15 percent of the site. There is one property that
16 has some parking on site so it doesn't cover -- the
17 building itself doesn't cover that much. One of
18 the variances we're seeking is for building
19 coverage. 30 percent is permitted. We're
20 proposing coverage of 32.6 percent. So that's the
21 site itself and the history of the site. I'll
22 testify to a couple of the items that relate to the
23 site plan first and I believe Mr. Hanson questioned
24 a waiver for landscaping plan. There is some
25 landscaping along here, adjacent to the building

1 that was built previously, the extension to the
2 building, and there are various planters that Mr.
3 Exadaktilos' wife takes care of and maintains them
4 over the summer months primarily and they're
5 dormant this time of year. I don't think there's a
6 need for any additional landscaping so we would
7 request a waiver for that. The other waiver
8 requested for a lighting plan. There is existing
9 lighting here. I've been to the site numerous
10 times in the evening and there is sufficient
11 lighting to service the existing parking area. I
12 believe there are some security lights on the
13 built -- proposed building.

14 JOHN EXADAKTILOS: So the parking lot
15 has four flagpoles, we'll call it, brand new.
16 They're about four years old, LED lights all on the
17 proposed building under the eave on the two sides
18 that are gonna be exposed going towards Georgia and
19 towards the restaurant. They will be consecutive
20 LED high hat floods. They're given like a halo
21 effect around the perimeter and they'll be on a
22 timer from dusk till dawn, like everything else is
23 on the property.

24 ANDREW PREVITI: That's in addition to
25 the existing lights.

1 JOHN EXADAKTILOS: Yeah. We're -- if
2 anything, we're adding lighting for the security,
3 not taking anything away.

4 ANDREW PREVITI: Also, I believe there
5 was a comment concerning the need -- or for waivers
6 for performance guarantee and inspection fees.
7 Performance guarantees are only required for
8 off-site improvements under the changes and
9 miscellaneous law. There are no off-site
10 improvements so performance guarantee would not be
11 applicable here. So whether a waiver is necessary
12 or not, that -- that will be up to you. Inspection
13 fees, there are no site improvements. It's just
14 the building itself, which would be proposed for
15 this corner. It's a 36 foot wide by 60 foot deep
16 pole barn garage building. Pioneer Pole Building
17 is the manufacturer and the installer of the
18 building. There would be a 5 foot setback from the
19 rear property line, which requires variance relief,
20 and there would be a 5 foot setback from the side
21 property line, which is conforming. I believe the
22 side yard requirement in this district is 2 feet.
23 So that's the site. The site operates seasonally,
24 and this is kind of important to the issue
25 concerning parking that Mr. Hanson raises. The bar

1 operates only during the colder periods of the
2 month. There's a kitchen inside the bar. The
3 kitchen is small and it cannot really service both
4 the bar and the outside area, so the way it
5 operates and the way Mr. Exadaktilos testified in
6 the 2020 application is that when the outdoor bar
7 operation is in effect, the inside bar is not in
8 operation, and vice versa in the colder season,
9 when the outside shuts down, then the inside bar is
10 used. The seating in the bar has -- there is 95
11 seats and the seating outside is 108 for a total of
12 203. Mr. Hanson in his report indicates that he
13 thinks there's a need for variance relief. We
14 have -- with the proposed building there will be 28
15 parking spaces on site. With valet parking there
16 will be 39 and the issue relative to valet, I think
17 the question in his report was, well, where are you
18 gonna put the cars. Well, the cars stay on site
19 because all these spaces along the easterly
20 property line are double spaces. They're 38 feet
21 deep. So the parking, the valet parking would be
22 stacked here and that would create 11 additional
23 spaces that would get you to 39. So if you look at
24 the bar itself, with 95 seats would require 28
25 spaces. If you -- and that would be needed under

1 the current ordinance requirements but it wasn't
2 needed when this operated as Callahan's because
3 there was no parking, and Callahan's was a
4 neighborhood bar. I grew up in this area. I grew
5 up on Arctic Avenue and there were four bars in my
6 one block. There was the Capone's Bar, Nick's
7 Tavern, Calovid (phonetic) Bar and the Knotty Pine
8 Bar. They're all these neighborhood bars and
9 that's what Callahan's was and to a certain degree
10 Ducktown Tavern is a neighborhood bar. Many of the
11 patrons walk to the site or use Uber. I've never
12 seen this parking lot totally occupied at any time
13 in the past 12 years that I've known Mr.
14 Exadaktilos. I don't think parking is a problem
15 here and I'll get into that, in the testimony. So
16 that's the site. That's how it operates and that's
17 what we propose to do, is to build this building to
18 house the equipment that was testified to. I'll
19 get into the variance relief.

20 BRIAN CALLAGHAN: Let's talk about the
21 variance relief, then we'll talk about the positive
22 and negative criteria.

23 ANDREW PREVITI: The first variance was
24 for -- that we're requesting is for exceeding the
25 building coverage. What's permitted is 30 percent.

1 We're proposing 32.6 percent. 30 percent is, in my
2 experience, is extremely low, allowable building
3 coverage percentage for commercial uses. In the
4 communities that I represent in a neighborhood
5 commercial area the lowest, or the lowest
6 percentage cover is 70 percent. Most commercial
7 areas, general business districts is between 90 and
8 95 percent. So I believe the city or the state
9 hired some planning firm to come up with the
10 regulations. I don't think they're applicable at
11 all to this site. So the 30 percent is the current
12 standard and we're proposing 32.6 percent. I think
13 that under the Municipal Land Use Law the purposes
14 of the act are enhanced by our proposal for --
15 proposal for -- what do they call it?

16 BRIAN CALLAGHAN: Per population
17 density?

18 ANDREW PREVITI: No. It's (a) and (i).
19 (A) is the general --

20 BRIAN CALLAGHAN: Welfare.

21 ANDREW PREVITI: -- public welfare and
22 safety and (i) is for visual environment, and I'll
23 show you something on the board but the --

24 BRIAN CALLAGHAN: The extra 2 percent
25 would really be de minimis given the size of the

1 site?

2 ANDREW PREVITI: Yeah. I believe so. I
3 think so. And as far as the visual impact, what we
4 tried to do is to create a color scheme that was
5 similar to the existing one, and on this chart --
6 so I don't drop it -- now, this was done by Mr.
7 Exadaktilos' son, who is my grandson and he happens
8 to be my son-in-law. So he did the artwork here so
9 it's a real family affair.

10 JOHN EXADAKTILOS: One special thing
11 about the project.

12 ANDREW PREVITI: The coloring matches
13 the coloring of the existing Ducktown Tavern,
14 beigey, green and there was a brown trim and the
15 doors would be white. So the building itself has
16 two overhead doors facing Georgia Avenue and then
17 one overhead door that would face toward Atlantic
18 Avenue. There is a door up here. This is a
19 building that has a truss roof and as part of the
20 truss there is a loft area that's created, and if
21 you remember the old movies and TV shows that had
22 westerns with barns, this is the area where the --
23 (inaudible) -- would be raised to get into the
24 barn. So this is functional and this can be used
25 to bring to the top loft area materials for storage

1 and such. So this is what the building would look
2 like and I think this has a very good visual appeal
3 and would enhance the purposes of the act relative
4 to item (a) -- or rather, item (i). As far as the
5 benefiting for item (a), I think the fact that the
6 tavern is a place where you socialize and the
7 operation provides a public service, because they
8 do service private events, as well as public
9 events. The music events that take place at Bader
10 Field, the catering business supports that,
11 provides food and beverage to those events. Some
12 of the events on the Boardwalk are provided with
13 food and beverage by the catering portion of the
14 business and the -- this building would help to
15 house and protect the equipment that is part of
16 that catering business, so that would be my
17 testimony relative to the building coverage
18 variance.

19 The second variance was -- that we
20 listed for was for --

21 BRIAN CALLAGHAN: Rear yard?

22 ANDREW PREVITI: Oh, the rear yard
23 variance.

24 The rear yard variance we're requesting
25 is for a 5 foot variance where 20 foot is required.

1 Again, in the communities that I represent, the
2 rear yard requirement in commercial districts is 5
3 feet. If it abuts a residential area, sometimes
4 it's 10 feet, but nowhere is it 20 feet. 20 feet
5 is a requirement in residential districts. So for
6 the same reasons, to conform to the purpose of the
7 act, (a) and (i), I think the variance relief can
8 be granted for the -- for the rear yard.

9 In Mr. Hanson's report there is also
10 mention of impervious coverage. 80 percent is
11 permitted, 100 percent is existing, and it's an
12 existing nonconforming condition. It was existing
13 before Mr. Exadaktilos bought the property, in 2005
14 when he bought -- this is with 90 percent
15 impervious coverage, and the parking lot area that
16 was purchased in 2017 was also 100 percent
17 impervious coverage, so that's an existing
18 nonconforming condition. If you recall, our
19 variance relief for that, I would testify that the
20 same --

21 LANCE LANDGRAF: We'll just note that,
22 existing nonconforming, we'll note the variance is
23 required.

24 BRIAN CALLAGHAN: Also a quick note,
25 behind the rear yard variance we have a wall that's

1 already an 8 foot high wall that's up against that
2 rear yard, and that was put in there originally
3 because we had a lot of people that used to cut
4 through, you never knew who was coming through your
5 properties at that point in time, so when we did
6 it, it was an 8 foot wall there.

7 LANCE LANDGRAF: I guess that was part
8 of the previous site plan.

9 BRIAN CALLAGHAN: That was part of the
10 previous approval.

11 LANCE LANDGRAF: One question I have.
12 The number of outdoor seats, it was 100 and --

13 ROBERT REID: Eight.

14 LANCE LANDGRAF: Eight. Thank you.

15 ROBERT REID: 95 in the bar.

16 LANCE LANDGRAF: Yup.

17 ANDREW PREVITI: I would point out that
18 adjacent to the site there's a little terrace here
19 and there are buildings on each side of the terrace
20 and that goes out to Florida Avenue. The buildings
21 closest to the site are right up to the property
22 line, have no setback whatsoever, and that's the
23 case with most of the existing development in this
24 block fronting on Atlantic Avenue. So the 5 foot
25 setback is more than what is existing in most of

1 the other properties and we think it's sufficient
2 with the purposes of this operation and would not
3 have any negative impact on the neighborhood.

4 The parking issue Mr. Hanson raises and
5 indicates that he thinks that the variance is
6 necessary, I don't think a variance is necessary
7 because the bar itself originally had no parking.
8 So that was the -- the variance was created by the
9 adoption of the new regulations that require -- I
10 think 30 percent of the seats have to have parking.
11 I don't know too many businesses in this area that
12 meet that standard, but if you think a variance is
13 necessary, which I don't think it is, I would
14 testify that the same purpose of the act, (a) and
15 (i), would be benefited by the project as we
16 propose it.

17 BRIAN CALLAGHAN: Do you see any
18 substantial detriment to the public good or the
19 zoning plan by the granting of this variance relief
20 here today?

21 ANDREW PREVITI: None whatsoever. The
22 operation of the overall facility I think would
23 benefit. It would certainly take out of the public
24 view the various pieces of equipment, the benches
25 during the off season, and would be a much better

1 visual, have a better visual impact than what it is
2 today. There are some photographs in the
3 application that we submit and you can see the
4 various pieces of equipment and vehicles that are
5 stored generally in this area. They would be all
6 within the building and would present a better
7 visual view from the Georgia Avenue portion of the
8 site.

9 BRIAN CALLAGHAN: Any substantial
10 detriment to the character of the neighborhood?

11 ANDREW PREVITI: I don't believe so.

12 BRIAN CALLAGHAN: Okay. I don't have
13 any other questions, Mr. Previti. I'd open it up
14 to the board again.

15 LANCE LANDGRAF: Just a couple
16 questions. We are going to include the variance
17 into the application. We don't have an issue with
18 it. It's something that is consistent with the
19 other approvals we've granted. There's a
20 grandfathered shortfall on the site for parking, we
21 understand that. Parking is really -- there's a
22 parking lot across the street. There's parking
23 throughout the area. There's a CRDA lot at the
24 corner. There's plenty of parking if someone needs
25 outside the lot, on site lot.

1 Mr. Previti, would you say pushing that
2 garage back to the 5 feet protects parking on the
3 site -- preserves parking on the site?

4 ANDREW PREVITI: Well, it does preserve
5 parking on the site. You mean to push it --

6 LANCE LANDGRAF: To the rear yard
7 setback.

8 BRIAN CALLAGHAN: Maintaining the rear
9 yard setback of --

10 ANDREW PREVITI: Yeah.

11 BRIAN CALLAGHAN: -- 5 feet preserves
12 the parking in the front of it.

13 ANDREW PREVITI: Yeah, it would, if we
14 were -- if we had to move this and conform to the
15 20 foot requirement, we would lose four to six
16 valet parking spaces on site, yes.

17 LANCE LANDGRAF: Thank you.

18 Any signage on the storage unit --
19 storage garage?

20 ANDREW PREVITI: No.

21 LANCE LANDGRAF: No, okay.

22 No duck, nothing?

23 ANDREW PREVITI: No duck.

24 LANCE LANDGRAF: That's all I have.

25 You want to go to -- John, you had your

1 hand up. You want to --

2 JOHN EXADAKTILOS: No. I'm good. I was
3 gonna say, also, too, when -- if this is granted
4 when we pull everything inside, we actually open up
5 the whole parking lot.

6 LANCE LANDGRAF: Right. So where are
7 the --

8 JOHN EXADAKTILOS: With the seasonal --

9 LANCE LANDGRAF: Right.

10 JOHN EXADAKTILOS: June, call it April,
11 April till about Thanksgiving we get whatever
12 Sunday football, Saturday football we get out of
13 it. This year it was just too cold. I just left
14 everything out, I didn't care, because again, we
15 had the parking across the street and people don't
16 drink and drive the old transportation --
17 (inaudible) -- but I'd like to put everything into
18 that garage and with that I'd -- I'm gonna be
19 pushing 50 parking spots.

20 LANCE LANDGRAF: Right. For the off
21 season that area will be opened up for parking,
22 okay. Good.

23 JOHN EXADAKTILOS: Yeah.

24 LANCE LANDGRAF: We'll go through --
25 what we'll mark as B-1 is our planning and

1 engineering report. It's a report from
2 Environmental Resolutions, Inc. It's dated January
3 30th, 2025. John, anything on there that we have
4 to address?

5 DAVID BENEDETTI: Just a couple things.
6 The applicant has addressed the variances and the
7 applicant has addressed the issue of consolidating
8 lots, so they've addressed those questions. The
9 one thing that I do have is we are granting the
10 variance --

11 LANCE LANDGRAF: We're including the
12 parking variance, yes.

13 DAVID BENEDETTI: And the impervious
14 variance?

15 LANCE LANDGRAF: Impervious, as well.
16 And I will say that there are new regs that hope to
17 be adopted in this year. We'll be increasing that
18 lot coverage and building coverage from their
19 current standards.

20 DAVID BENEDETTI: Okay. Because the
21 only real thing that I -- that they haven't really
22 addressed is the issue of some landscaping and the
23 lighting. We can do a light function test at night
24 to make sure that there's sufficient lighting.

25 LANCE LANDGRAF: Okay.

1 DAVID BENEDETTI: And I think that I
2 agree with you, a landscaping plan is not -- it's
3 all paved. You might want to consider having your
4 landscaper or someone develop a plan for some
5 planters.

6 JOHN EXADAKTILOS: We have some -- it
7 wasn't brought up. We have two islands existing,
8 one on Georgia Avenue, that one of them I just put
9 brand new landscaping in this year with mulch and
10 decorative lights, and then on the other side, I
11 plan on doing it, I just didn't do anything in
12 anticipation to see where this building was gonna
13 land. So once the weather breaks -- the fence
14 blocks it from Georgia on to this island. We are
15 gonna continue through and put landscaping on the
16 front. Half of it's been there from day one. When
17 we purchased it the trees inhabited stuff we won't
18 get into, but we had plants there. We took them
19 out. We had to dig the soil but we are gonna put
20 plants in there. Again, I didn't know if they were
21 gonna be the front, the back or whatever, but we
22 anticipate -- we do have landscaping there, then we
23 have the portable planters that we put out to
24 enhance the area, to soften the atmosphere. Again,
25 it's all on dune grass and some other --

1 LANCE LANDGRAF: So the planter you're
2 talking about, Mr. Exadaktilos, is the one to the
3 beach side of the driveway?

4 JOHN EXADAKTILOS: Yes.

5 LANCE LANDGRAF: So the planter that --

6 JOHN EXADAKTILOS: That's 38 feet in
7 length by 4 foot in the core of --

8 LANCE LANDGRAF: That buffers the view
9 into the property?

10 JOHN EXADAKTILOS: Yes. So it's all --
11 it has the black mulch on it, but the center one
12 has trees that are about two, two and a half years
13 old, and the other side, again, in anticipating
14 with this, I don't want to plant and pull it out.

15 LANCE LANDGRAF: Understood.

16 JOHN EXADAKTILOS: There were
17 suggestions of --

18 (Multiple parties speaking.
19 Unintelligible.)

20 LANCE LANDGRAF: All right. Anything
21 else?

22 DAVID BENEDETTI: That's it.

23 LANCE LANDGRAF: Okay. Scott, we're
24 gonna open it to the public?

25 SCOTT COLLINS: Yeah. Just to hop back

1 for a second.

2 LANCE LANDGRAF: A-1.

3 SCOTT COLLINS: We'll mark the
4 application materials A-1.

5 Everything that you referenced or
6 referred to today was included within the
7 submission package?

8 ANDREW PREVITI: Yes.

9 JOHN EXADAKTILOS: Yes, they were.

10 SCOTT COLLINS: Thank you.

11 LANCE LANDGRAF: With that, we'll open
12 this up to the public. Anyone here wish to make a
13 comment --

14 ANDREW PREVITI: With the exception of
15 the colored --

16 LANCE LANDGRAF: We have to mark that as
17 A-2.

18 SCOTT COLLINS: Yeah.

19 LANCE LANDGRAF: The --

20 SCOTT COLLINS: Colorized plan of the --

21 LANCE LANDGRAF: Colorized plan --
22 Nicholas' drawing, is that what it was?

23 ANDREW PREVITI: We'll give credit to
24 Nicholas Exadaktilos, yes.

25 LANCE LANDGRAF: With that, we'll open

1 up to the public for anybody to ask any questions
2 or make any comments. Please step forward, state
3 your name and ask any questions or make any
4 comments.

5 Seeing none -- anything? No, all right.

6 We'll close the public portion on this
7 matter and -- let's see. Go through anything I
8 might have. Any final comments on our side?

9 SCOTT COLLINS: Not here.

10 ROBERT REID: We're good.

11 LANCE LANDGRAF: Mr. Callaghan, any
12 closing comments?

13 BRIAN CALLAGHAN: No closing comments.
14 We just think, once again, it's a nice addition to
15 an existing property that's been a mainstay in
16 Ducktown Area.

17 LANCE LANDGRAF: Okay. Thank you.
18 We'll close the testimony on this matter.

19 ANDREW PREVITI: One question. Will you
20 address the waiver request in the --

21 LANCE LANDGRAF: So how we operate, we
22 will prepare what's called a hearing officer report
23 that recommends what approvals or not approvals
24 that goes to our board at our next board meeting.

25 ANDREW PREVITI: Thank you.

1 LANCE LANDGRAF: So I don't have an
2 issue with the waiver of the landscaping and I
3 think -- what was the other waiver?

4 ANDREW PREVITI: Well, the --

5 SCOTT COLLINS: Lighting.

6 LANCE LANDGRAF: The lighting.

7 ANDREW PREVITI: It refers to the
8 performance guarantee and the --

9 LANCE LANDGRAF: Performance guarantee,
10 I think your testimony covered that. The
11 inspection, there will probably be a final
12 inspection on it to make sure the building is in
13 the right location after you provide an as-built
14 survey.

15 BRIAN CALLAGHAN: Correct.

16 LANCE LANDGRAF: So that will just be
17 the only inspection. Like you said, there's no --
18 there's sewer lines going to it, we don't have to
19 worry about that, just the water line which the
20 city water department will cover. So it will be
21 very minimal from that aspect.

22 I don't think I have anything else in
23 here. I will try to get this on our February board
24 meeting. That's going to be extremely tight.

25 SCOTT COLLINS: Yeah.

1 LANCE LANDGRAF: If we get the
2 transcripts early enough we will try to get this on
3 for our February board meeting.

4 BRIAN CALLAGHAN: Thank you, very much.

5 LANCE LANDGRAF: If not, it will be
6 March, but we'll try to get it February.

7 With that, our next public land use
8 hearing is February 20th at 10 a.m. With no
9 further matters to be discussed, we'll close this
10 hearing. Thank you all for coming out.

11 BRIAN CALLAGHAN: Thank you for having
12 us.

13 (At 10:30 a.m. proceedings were
14 concluded.)

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CERTIFICATE

I, MICHELLE GRUENDEL, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically and digitally at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Michelle Gruendel



MICHELLE GRUENDEL, C.C.R.
C.C.R. License No. 30X100190500
Notary Public of the
State of New Jersey

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