

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

2014-07-1146 - LYNELLE BARD-HAIRSTON

CERTIFICATE OF NONCONFORMITY TO CONTINUE

USE AS A DUPLEX

BLOCK 24, LOT 4

127 Wilson Avenue, Atlantic City, NJ

Thursday - August 21, 2014

Public hearing in the
above-referenced matter, taken at the CASINO

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

16 APPEARANCES:

17 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

18
19 LANCE B. LANDGRAF, JR.
20 Chairman

21
22 ROSE ANN LAFFERTY
23 Land Use Enforcement Officer
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PROFESSIONALS TO THE BOARD FOR THIS HEARING:

SCOTT G. COLLINS, ESQUIRE
Riker, Danzig, Scherer, Hyland & Perretti

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I N D E X

WITNESS (ES)

PAGE NO.

LYNELLE BARD-HAIRSTON

5

EXHIBITS MARKED AND/OR REFERRED TO:

NONE

1 (Time noted: 10:11 a.m.)

2

3 LANCE LANDGRAF: Let's call the
4 August 21st land use review board to order.

5 Please join me in a salute to the
6 flag.

7 (The flag salute was recited at
8 this time.)

9 LANCE LANDGRAF: Thank you.

10 Just to introduce myself, I am
11 Lance Landgraf. I'm the new planning director
12 here at the CRDA, and I'll be the hearing
13 officer for today's hearings.

14 We're going to jump the agenda a
15 little bit. We have a very minor application,
16 item 2 on our agenda, 2014-07-1146, Lynelle
17 Bard-Hairston. It's a Certificate of
18 Nonconformity, conformity application for a
19 duplex.

20 SCOTT COLLINS: Would you raise
21 your right hand, please?

22

23

24

25

LYNELLE BARD-HAIRSTON,

1 having been duly sworn in by Scott
2 Collins, Esquire, was examined and
3 testified as follows:

4

5 SCOTT COLLINS: Thank you.

6 LANCE LANDGRAF: Okay. This
7 application is for a Certificate of
8 Nonconformity for Block 24, Lot 4, located at
9 127 Wilson Avenue.

10 THE WITNESS: Yes.

11 LANCE LANDGRAF: The applicant has
12 proposed to continue the use of the property and
13 structure as a duplex.

14 I'm assuming you're Miss Hairston,
15 Bard-Hairston?

16 THE WITNESS: Yes.

17 LANCE LANDGRAF: Please present
18 your information.

19 THE WITNESS: I'm sorry. I can't
20 hear.

21 LANCE LANDGRAF: I'm sorry. Go
22 ahead. You can -- you can start.

23 THE WITNESS: Okay. Yeah. This is
24 an application for a Certificate of
25 Nonconformity for 127 Wilson Avenue.

1 Originally, it was "began" in
2 December 2010. I just wasn't aware of all the
3 steps that I needed to take to complete it until
4 I hired a contractor to do some work there and
5 he was informed that I was not in compliance.

6 So, I submitted a new application
7 in July --

8 LANCE LANDGRAF: Okay.

9 THE WITNESS: -- for the
10 Certificate of Nonconformity.

11 LANCE LANDGRAF: And we've received
12 all the information, Rose?

13 ROSE ANN LAFFERTY: Yes. Yes.
14 I've received her application. The application
15 has been published.

16 Do you have, though --
17 You didn't provide to me your
18 certification letters of what you sent out in
19 the mail.

20 THE WITNESS: Yes.

21 ROSE ANN LAFFERTY: Okay. If you
22 would, if I could have those.

23 THE WITNESS: One came -- one came
24 back.

25 ROSE ANN LAFFERTY: Just so long as

1 you have proof that you sent it. That's all
2 that's required. Thank you.

3 THE WITNESS: And here's -- here's
4 my affidavit. And that's the --

5 ROSE ANN LAFFERTY: Okay. Great.
6 Thank you so much.

7 THE WITNESS: Did you need the rate
8 cards, too?

9 ROSE ANN LAFFERTY: We have those.
10 They were part of your application. So ...

11 THE WITNESS: Okay.

12 ROSE ANN LAFFERTY: If you want to
13 ask some questions or -- while I go through
14 this.

15 LANCE LANDGRAF: Okay. Do you know
16 the last year that it was permitted? How long
17 has it been a duplex in your --

18 THE WITNESS: I can't --

19 LANCE LANDGRAF: How long has it
20 been a duplex?

21 THE WITNESS: Oh. Since 1935.

22 LANCE LANDGRAF: Okay. You've had
23 two units in there since 1935.

24 THE WITNESS: It's always been --
25 it's always been a duplex.

1 LANCE LANDGRAF: Okay. And you
2 purchased the property when?

3 THE WITNESS: In 2006.

4 LANCE LANDGRAF: And you've
5 maintained it as a duplex since then?

6 THE WITNESS: Yes.

7 LANCE LANDGRAF: Okay. And when
8 you went to get building permits to improve the
9 property, they said you needed to get a --

10 THE WITNESS: Initially, when I got
11 the building permits, I didn't have a problem,
12 because, at that time, I guess, the CRDA wasn't
13 completely formed.

14 LANCE LANDGRAF: Well, the zoning
15 changes were the problem -- not problem. What
16 caused you to need the Certificate of
17 Nonconformity was the zoning change.

18 THE WITNESS: Yes. Yes.

19 LANCE LANDGRAF: Okay. We do have
20 a letter from our planning consultant, Cofone
21 Consulting Group, July 21st, that, basically,
22 indicates that the application has been --
23 should be deemed complete for review. We have
24 the documentation. Our attorney is looking at
25 that now.

1 We apologize. Miss Cofone could
2 not be here this morning. But, we're going to
3 move forward with your application anyway.

4 THE WITNESS: Okay.

5 ROSE ANN LAFFERTY: These are in
6 good order.

7 LANCE LANDGRAF: Okay.
8 Notifications are in good order. We have
9 jurisdiction to hear the application.

10 SCOTT COLLINS: I think that we
11 should note that the property is located in the
12 RS-C zone --

13 LANCE LANDGRAF: Okay.

14 SCOTT COLLINS: -- and that
15 duplexes are not currently permitted in that
16 zone.

17 And you submitted a number of
18 property record cards with your application. Is
19 that right?

20 THE WITNESS: Yes.

21 SCOTT COLLINS: And did you get
22 those from the city?

23 THE WITNESS: Did I --

24 LANCE LANDGRAF: Where did you get
25 them?

1 THE WITNESS: Oh. From the city.

2 SCOTT COLLINS: And they establish
3 a two-unit -- a duplex use.

4 THE WITNESS: Yes.

5 SCOTT COLLINS: I'm just going to
6 go through the years that you have here.

7 LANCE LANDGRAF: So, we have
8 property record cards from '06 and 1981 that
9 show it as a duplex.

10 So, our test year is, what, 2008?
11 Correct?

12 ROSE ANN LAFFERTY: Right.

13 LANCE LANDGRAF: So, as long as we
14 show it prior to 2006, we're -- we're okay.

15 ROSE ANN LAFFERTY: And then
16 there's this one that's showing various dates,
17 if you take a look.

18 LANCE LANDGRAF: Okay. There's
19 actually one here as well from 1974 through 1977
20 that showed the use as -- as a twin or duplex
21 unit.

22 Okay. The change occurred in 2008,
23 so the property record card from 2006 is the one
24 that shows that your use existed prior to that
25 change. So, we should be able to positively

1 recommend to our board that you get this.

2 THE WITNESS: Okay.

3 LANCE LANDGRAF: So, we'll do that.
4 And then, at our next board hearing
5 -- subsequent board hearing, you should have
6 your final approval on this.

7 THE WITNESS: Thank you, sir.

8 LANCE LANDGRAF: Are there any
9 other questions?

10 Anybody from the public?

11 THE WITNESS: No questions?

12 SCOTT COLLINS: Nothing from me,
13 no.

14 THE WITNESS: Okay. Thank you.
15 Have a good day.

16 LANCE LANDGRAF: If there is no one
17 from the public, we'll close the public portion.

18 We'll reserve decision and prepare
19 a written report and recommendation for the
20 CRDA's governing body, and we hope to hear that
21 soon; probably not at our September, but maybe
22 at our October meeting.

23 ROSE ANN LAFFERTY: It will be on
24 in September.

25 LANCE LANDGRAF: By September?

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(This public hearing concluded at
10:19 a.m.)

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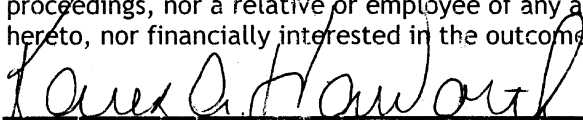
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I further certify that I am neither an attorney nor counsel of any of the parties in the subject proceedings, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in the outcome of the subject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



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