

**CASINO REINVESTMENT DEVELOPMENT AUTHORITY
LAND USE REGULATION AND ENFORCEMENT DIVISION**

APPLICATION NO. 2014-05-1055

IN THE MATTER OF:

THE APPLICATION OF ELENA ITALIANO,
FOR A CERTIFICATE OF NONCONFORMITY
FOR THREE APARTMENTS, LOCATED AT
4 N. FLORIDA AVENUE, ATLANTIC CITY,
NEW JERSEY, BLOCK 279, LOT 61

THURSDAY - JULY 17, 2014

TRANSCRIPT OF THE PUBLIC HEARING

held in the above-referenced matter, held at
the CASINO REINVESTMENT DEVELOPMENT AUTHORITY,
15 South Pennsylvania Avenue, Atlantic City,
New Jersey, before Lynda R. Gamon Snelgrove, a
New Jersey Certified Court Reporter and U.S.
Registered Professional Reporter, on the above
date, commencing at 10:08 a.m., there being
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APPEARANCES:

CASINO REINVESTMENT DEVELOPMENT AUTHORITY
BY: PAUL G. WEISS, ESQUIRE
Appearing as the Hearing Officer

CASINO REINVESTMENT DEVELOPMENT AUTHORITY
BY: ROSE ANN LAFFERTY
Land Use Regulation Enforcement Officer

CASINO REINVESTMENT DEVELOPMENT AUTHORITY
BY: LANCE B. LANDGRAF, JR.
Director of Planning

RIKER, DANZIG, SCHERER,
HYLAND & PERRETTI, L.L.P.
BY: SCOTT G. COLLINS, ESQUIRE
Land Use Attorney for the CRDA

CALLAGHAN, THOMPSON & THOMPSON, P.A.
BY: BRIAN J. CALLAGHAN, ESQUIRE
Attorney for the Applicant
Elena Italiano

ALSO PRESENT:

COFONE CONSULTING GROUP
BY: CHRISTINE NAZZARO COFONE
Appearing for the CRDA

ELENA ITALIANO, Applicant

E X H I B I T I N D E X

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*A-1	Application package	8

* Exhibit not furnished to court reporter for attachment to all transcripts

1 HEARING OFFICER WEISS: Good
2 morning. I'd like to call to order the Land Use
3 Regulation and Enforcement Division hearing of the
4 Casino Reinvestment Development Authority for
5 July 17th, 2014.

6 Please rise to join me in the Pledge
7 of Allegiance.

8 (The Pledge of Allegiance is
9 recited.)

10 HEARING OFFICER WEISS: Okay, thank
11 you. On today's docket we have one matter. It's
12 Application 2014-05-1055, Ms. Elena Italiano at
13 4 North Florida Avenue, Block 279, Lot 61. This is
14 an application for a certificate of nonconformity for
15 three apartments. It's in the R-3 residential zone,
16 which is for single-family attached units.

17 Is the applicant here?

18 MR. CALLAGHAN: Yes. Brian
19 Callaghan of the law firm of Callaghan, Thompson &
20 Thompson on behalf of Elena Italiano.

21 HEARING OFFICER WEISS: Okay.
22 Mr. Callaghan, the floor is yours.

23 MR. CALLAGHAN: This is an
24 application for a certificate of nonconformity to
25 maintain the property as a three-unit building.

1 In walking you through the package
2 that we submitted, the letter from Keith Mills, the
3 director of planning in the City of Atlantic City,
4 shows our test year of 1979. We've attached a 1961
5 property record card from the city's tax office
6 showing three units; we've attached a 1981 property
7 record card showing three units; we've attached a
8 1989 record card showing three units; we've attached
9 a 1990 housing report showing three units; we've
10 attached various certificates of occupancy from
11 various years to show that it's been occupied as
12 three units.

13 We've also attached a deed.
14 Mrs. Italiano is the daughter of the Culmones
15 (phonetic), who Mr. and Mrs. Culmone purchased the
16 property in 1988. They've since deceased, but it's
17 been in the Culmone/Italiano family since 1988
18 through the present as a three-unit building.

19 So we're asking based on the proof
20 submitted that we receive a certificate of
21 nonconformity for three units.

22 MR. COLLINS: Mr. Callaghan, just
23 for purposes of the record, all of the documents that
24 you've just referred to were part of your submission
25 package?

1 MR. CALLAGHAN: They are part of the
2 application package that we submitted.

3 MR. COLLINS: Okay. So we should
4 mark that as an exhibit. Mark the entire --

5 MR. CALLAGHAN: -- package as A-1.

6 (A-1, application package, was
7 marked for identification.)

8 HEARING OFFICER WEISS: Okay.

9 MS. LAFFERTY: For the record, all
10 service documents are in order.

11 HEARING OFFICER WEISS: Do you want
12 to speak up?

13 MS. LAFFERTY: For the record, all
14 service documents have been verified and are in
15 order.

16 HEARING OFFICER WEISS: Okay.
17 Mr. Callaghan, when you refer to a letter from Keith
18 Mills, that's the only thing that I'm, I guess, a
19 little confused by, are you referring to this
20 (indicating)? It looks like a form document that is
21 from the City of Atlantic City.

22 MR. CALLAGHAN: Yes.

23 HEARING OFFICER WEISS: And it's not
24 a letter, per se, from Mr. Mills.

25 MR. CALLAGHAN: Well, it's not a

1 letter. It's -- yes, it's his --

2 HEARING OFFICER WEISS: It's just a
3 form that -- your testimony is that Mr. Mills filled
4 this form out?

5 MR. CALLAGHAN: Yes. I sent --
6 generally speaking, I send a letter to Mr. Mills
7 asking him for a test year on these applications to
8 your office. So he then provides me with a breakdown
9 of the property and the zoning and then gives me a
10 test-year return.

11 And the reason it shows two is when
12 we did it to him, we thought we also needed a
13 certificate of nonconformity for 16D North Georgia
14 Avenue, which is a single family, but he had
15 indicated, as you can see, "permitted use, no CNC
16 required."

17 HEARING OFFICER WEISS: So these are
18 his handwritten notes on this form?

19 MR. CALLAGHAN: These are his
20 handwritten notes, and then he writes -- or he wrote
21 the word "certified" down at the bottom --

22 HEARING OFFICER WEISS: Got it.

23 MR. CALLAGHAN: -- and sent it back
24 to me for submission to you.

25 HEARING OFFICER WEISS: Okay. And

1 that's his signature at the bottom there dated
2 4/14/14?

3 MR. CALLAGHAN: Well, I could
4 probably say "yes." I mean, I've watched his
5 signature for about 25 years, so I would say, yes, it
6 is.

7 HEARING OFFICER WEISS: Okay. Just
8 for the record I want to be --

9 MR. CALLAGHAN: Right.

10 HEARING OFFICER WEISS: -- clear
11 what we're looking at.

12 Okay. And it's the applicant's
13 intention to continue the use? It's three
14 apartments?

15 MR. CALLAGHAN: Correct.

16 HEARING OFFICER WEISS: Okay. Is
17 there any work contemplated on this property?

18 MR. CALLAGHAN: At the present time,
19 no. It was just because of change of ownership that
20 I suggested as part of the estate issues that we go
21 in and get a land use to make sure that we have
22 everything in order going forward.

23 HEARING OFFICER WEISS: Okay. Any
24 further testimony from the applicant, Mr. Callaghan?

25 MR. CALLAGHAN: She's here if you

1 need testimony, but as indicated, they've owned the
2 property since '88 through the present, and it's been
3 the three units, so.

4 HEARING OFFICER WEISS: These are
5 rental units?

6 MR. CALLAGHAN: Yes.

7 HEARING OFFICER WEISS: All right.

8 At this point in the hearing I would ask the CRDA's
9 expert planner, Ms. Cofone, to provide her review and
10 recommendation for the record.

11 And she's been duly sworn before, so
12 I don't know that we -- we can dispense with that
13 formality.

14 MS. COFONE: Okay, good morning.
15 For the record, Christine Nazzaro Cofone.

16 Yes, thank you. We've reviewed all
17 the application submission documents. It appears
18 that everything is in order and that the applicant
19 would be entitled to the certification that they're
20 seeking with the test year being the 1979.

21 We had the opportunity to review
22 the -- it's really not a letter from Mr. Mills. It
23 appeared to be more of a form that has been filled
24 out, but based on what we've reviewed, it appears
25 that there has been three units historically at the

1 location.

2 HEARING OFFICER WEISS: Okay. Any
3 further testimony, Mr. Callaghan?

4 MR. CALLAGHAN: Nothing further.

5 HEARING OFFICER WEISS: Okay. Your
6 applicant doesn't wish to speak? Doesn't have to.

7 MR. CALLAGHAN: I mean...

8 HEARING OFFICER WEISS: That's fine.
9 I don't want to compel testimony if we don't have to.

10 Any other testimony from the CRDA's
11 expert?

12 MS. COFONE: Not at this time.

13 HEARING OFFICER WEISS: Anyone else
14 from the CRDA?

15 (There is no response.)

16 HEARING OFFICER WEISS: Okay.

17 Hearing none, we'll open to public comment. Any
18 members of the public who wish to address Application
19 2014-05-1055 may do so at this time.

20 (There is no response.)

21 HEARING OFFICER WEISS: Hearing no
22 public comment, I'll bring the hearing back to the
23 hearing officer unless there's any additional
24 testimony from the applicant. Mr. Callaghan?

25 MR. CALLAGHAN: None.

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HEARING OFFICER WEISS: Okay. Then
we're adjourned. Thank you all.

MR. CALLAGHAN: Thank you very much.

(This hearing was concluded at
10:16 a.m.)