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CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

APPLICATION NUMBER 2022-12-3346
CCAM REALTY, LLC.

APPLICANT SEEKS PRELIMINARY AND FINAL SITE PLAN APPROVAL, ALONG WITH CERTAIN "d(5)" VARIANCE RELIEF FOR MAXIMUM DWELLING DENSITY FOR MIDRISE BUILDINGS, "c" VARIANCE RELIEF FOR PARKING, AND SITE PLAN WAIVER APPROVAL IN ORDER TO LEGALIZE PREVIOUSLY CONSTRUCTED THIRD RESIDENTIAL UNIT AND FOURTH FLOOR.

THE PROPERTY IS LOCATED AT 2805 ATLANTIC AVENUE, BLOCK 271, LOT 20 ON THE TAX. MAP FOR THE CITY OF ATLANTIC CITY, LOCATED IN THE RESORT COMMERCIAL DISTRICT.

2805 ATLANTIC AVENUE
BLOCK 271, LOT 20
ATLANTIC CITY, NEW JERSEY

Thursday - January 19, 2023

CSR COURT REPORTING SERVICES, LLC
Certified Court Reporters & Videographers
1125 Atlantic Avenue
Suite 543
Atlantic City, New Jersey 08401
609-641-7117 Fax 609-641-7640

2	<p>1 Public hearing in the</p> <p>2 above-referenced matter, conducted at the</p> <p>3 CASINO REINVESTMENT DEVELOPMENT AUTHORITY, 15</p> <p>4 South Pennsylvania Avenue, Atlantic City, New</p> <p>5 Jersey, before Karen A. Haworth, a New Jersey</p> <p>6 Certified Court Reporter (CCR), nationally</p> <p>7 certified Registered Professional Reporter</p> <p>8 (RPR), nationally certified Certificate of Merit</p> <p>9 holder (CM), nationally certified Certified</p> <p>10 Realtime Reporter (CRR), a Delaware Certified</p> <p>11 Shorthand Reporter (CSR), nationally certified</p> <p>12 Certified LiveNote™ Reporter (CLR), and Notary</p> <p>13 Public of the State of New Jersey, on the above</p> <p>14 date, commencing at the time indicated on the</p> <p>15 videographer's equipment, there being present:</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	4
3	<p>1 APPEARANCES:</p> <p>2 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:</p> <p>3</p> <p>4 LANCE B. LANDGRAF, JR.</p> <p>5 Chairman</p> <p>6 Director, Planning Department</p> <p>7</p> <p>8</p> <p>9 ROBERT L. REID</p> <p>10 Land Use Enforcement Officer</p> <p>11</p> <p>12</p> <p>13 JANE FONTANA, ESQUIRE</p> <p>14 Assistant General Counsel</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	5
2	<p>1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:</p> <p>2</p> <p>3 CHRISTOPHER MORRIS, PE</p> <p>4 ADAMS, REHMANN AND HEGGAN</p> <p>5</p> <p>6</p> <p>7 CHRISTINE NAZZARO-COFONE, PP</p> <p>8 COFONE CONSULTING GROUP</p> <p>9</p> <p>10</p> <p>11 G. JEFFREY HANSON, PE, CME</p> <p>12 ENVIRONMENTAL RESOLUTIONS, INC</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	4

6

I N D E X

	WITNESS(ES)	PAGE NO.
3	JASON SCIULLO	
4	By: Kristopher Facenda	10, 18
7	ROBERT REID	19
9	ARMANDO MARTINEZ	
10	By: Kristopher Facenda	24
12	SPERO TROUPIS	28
18	EXHIBITS MARKED AND/OR REFERRED TO:	
19	A-1	
20	A-2	
24	B-1	

8

1 map of the city of Atlantic City. It's in the

2 Resort Commercial District.

3 Rob, we're good on -- on --

4 **ROBERT REID:** Yes. I reviewed the

5 Proof of Service --

6 **LANCE LANDGRAF:** -- both

7 completeness and Proof of Service.

8 Right?

9 **ROBERT REID:** Yes. We have

10 jurisdiction to hear the application.

11 **LANCE LANDGRAF:** Okay.

12 Mr. Facenda.

13 **KRISTOPHER FACENDA:** Thank you,

14 Mr. Landgraf.

15 KRISTOPHER FACENDA, for the record,

16 on behalf of CCAM Realty, LLC.

17 I'm here today with Armando

18 Martinez. He is a member of the LLC applicant.

19 As well as Jason Sciuillo. Obviously, a

20 professional engineer and planner, who testified

21 before you most recently about --

22 **LANCE LANDGRAF:** And he's still

23 under oath from the last portion of our hearing.

24 Right? We can do that.

25 **JANE FONTANA:** Yeah.

7

1 [COURT REPORTER'S NOTE:

2 THE FOLLOWING TRANSCRIPT WAS

3 PRODUCED FROM THE AUDIO TAKEN BY THE

4 VIDEOGRAPHER PRESENT AT THE HEARING.]

5

6 (Time noted: The time indicated on

7 the videographer's equipment.)

8

9

10

11 **LANCE LANDGRAF:** Okay. We are back

12 on the record.

13 And the application -- the third

14 application this morning is Application

15 2022-12-3346. CCAM Realty, LLC.

16 The applicant seeks preliminary and

17 final site plan approval along with certain d(5)

18 variances for relief from maximum dwelling

19 density for mid-rise buildings, c. variance

20 relief for parking, and site plan waiver

21 approval in order to legalize a previously

22 existing third residential unit and fourth

23 floor.

24 The property's located at 2805

25 Atlantic Avenue, Block 271, Lot 20 on the tax

9

1 **LANCE LANDGRAF:** Okay.

2 **KRISTOPHER FACENDA:** Okay. As you

3 indicated, the property in question is 2805

4 Atlantic Avenue, Block 271, Lot 20. Twenty-five

5 hundred square feet in size, located in the CBD

6 zoning district.

7 Current use is a -- a four-story

8 mixed use property with two commercial units at

9 grade and three residential units above the

10 commercial units.

11 I'm here today seeking site plan

12 waiver, density variance, and a parking

13 variance.

14 And all of those approvals are

15 needed to permit the existing and current use of

16 the property. As I just said, two commercial,

17 three residential and a four -- four-story

18 structure.

19 We will present the testimony of

20 Mr. Sciuillo. He has, obviously, been sworn. He

21 will establish that the requested relief can be

22 granted without any detriment to the zoning

23 ordinance or zoning plan.

24 He'll also satisfy the negative

25 criteria.

10	<p>1 And with that, I would --</p> <p>2 He's already sworn, Lance?</p> <p>3 JANE FONTANA: Yes.</p> <p>4 LANCE LANDGRAF: Yes.</p> <p>5 KRISTOPHER FACENDA: He remains</p> <p>6 sworn?</p> <p>7 LANCE LANDGRAF: Thank you.</p> <p>8</p> <p>9 DIRECT EXAMINATION</p> <p>10 BY KRISTOPHER FACENDA:</p> <p>11 Q. Jay, just if -- if you can just</p> <p>12 address and --</p> <p>13 A. Sure.</p> <p>14 Q. -- your name for the record, and</p> <p>15 have at it.</p> <p>16 A. Have at it. I like it.</p> <p>17 Good morning again. Jason Sciuillo,</p> <p>18 with Sciuillo Engineering.</p> <p>19 What you see on your screen now is</p> <p>20 just a Google aerial to show the site location,</p> <p>21 which is right under the red balloon, mid block</p> <p>22 between Iowa and Stenton Place on the north side</p> <p>23 of Atlantic Avenue. For, I guess, more spatial</p> <p>24 awareness, it's directly across from Tony's</p> <p>25 Baltimore Grill.</p>	12
11	<p>1 LANCE LANDGRAF: And that's the</p> <p>2 public safety building there to the right.</p> <p>3 JASON SCIULLO: To the right.</p> <p>4 Correct.</p> <p>5 So, as -- as Kris mentioned, this</p> <p>6 -- this one's interesting.</p> <p>7 I got involved a few weeks back and</p> <p>8 was surprised to -- to hear the general history</p> <p>9 of it, in that when Mr. Martinez took title to</p> <p>10 the property, there was a fourth floor and third</p> <p>11 unit in the structure that was there when he</p> <p>12 bought it and didn't realize that, at the time,</p> <p>13 it was -- it was done, whenever it was,</p> <p>14 somewhere in the mid-2000s, it looks like, the</p> <p>15 previous owner may have done -- or did do this</p> <p>16 addition for the fourth floor without any</p> <p>17 permits or approvals.</p> <p>18 Mr. Martinez, as Rob put in -- in</p> <p>19 his review letter, had sought a CLUC as part of</p> <p>20 the due diligence process in the beginning. And</p> <p>21 based on the information provided by the</p> <p>22 previous owner to both us and then to Mr. Reid,</p> <p>23 the CLUC was issued.</p> <p>24 And then it came to be known that</p> <p>25 the unit was built without proper approvals.</p>	13

14

1 too.

2 And for every type of variance

3 relief requested, we must show that the variance

4 can be granted without substantial detriment to

5 the public good and the -- or any impairment to

6 the purpose -- substantially impair --

7 substantial impairment to the intent and purpose

8 of the zone plan and zoning ordinance. These

9 are the two prongs in the negative criteria.

10 So, for the positive criteria, for

11 the -- the density variance, as you know,

12 density standards are -- are generally set to

13 limit development intensity so projects don't

14 overwhelm sites or surrounding areas.

15 This is, I -- in my opinion, many

16 times tied to demand on public services and

17 parking demand.

18 In this case, these units have

19 existed for 15 years or so.

20 And the one unit with two bedrooms

21 -- that's the one at issue that was done without

22 prior approvals -- I feel that that -- because

23 of the nature of the -- and size of that -- that

24 unit, that the impact to the surrounding area's

25 gonna be negligible.

15

1 It's also not out of character with

2 the density you see in the surrounding area.

3 And I'll give you two examples.

4 And these are, of course, the larger ones.

5 At 2722 Atlantic Avenue, that has

6 32 units on a quarter acre. That's a density of

7 128 units per acre.

8 And then Brighton Towers, which is

9 just about across the street from it, that's 168

10 units on a little under half an acre. That has

11 373 units per acre. And I'd be sure that

12 predates the Tourism District master plan being

13 adopted and these density standards being in

14 place. But, it just shows that what's proposed

15 here isn't anything excessive.

16 It's also important to note that I

17 think, as I mentioned, that the parking demand

18 is the direct reflection of density concerns.

19 And although this site has no parking on the

20 lot, its location is advantageous to having no

21 parking, since this -- as -- as you mentioned,

22 Lance, or saw, it's really close to the public

23 safety building, which is surrounded by public

24 parking and has no uses directly against the

25 road that would potentially demand the parking.

16

1 It has a separate parking lot on site.

2 So, for a short walk, that parking

3 on Iowa Avenue is generally not, say, all the

4 time open, but it's available.

5 And separately, anyone who has a

6 valid lease in the city can get a parking permit

7 from the city for residential use.

8 So, the residents here, just like

9 every other residential use in the area, will --

10 will be entitled to getting those residential

11 parking permits.

12 I feel the additional two space

13 demand is easily accommodated in the area. As

14 shown on this aerial, there's a lot of parking

15 on the streets.

16 So, for that reason, I feel that

17 the parking variance, if -- if granted, will not

18 create any substantial detriment.

19 This relief overall, this is --

20 You know, to -- to come in and ask

21 for this relief prior to building it wouldn't be

22 probably treated the same way, in that we're in

23 a really difficult situation, in that we didn't

24 create the issue. We're trying to legalize it.

25 And I feel that -- that by doing so --

17

1 Purpose "A" of the Municipal Land

2 Use Law is to promote the general welfare.

3 To legalize this use and have it so

4 these residents can legally exist in this

5 property promotes -- or -- promotes the general

6 welfare and -- and advances that purpose.

7 For the negative criteria, I

8 mentioned that there are two prongs.

9 The first, to show that it can be

10 granted without substantial detriment to the

11 public good, which is, again, the surrounding

12 properties in the immediate area.

13 Being that it's existed here for 15

14 years in this form shows one thing; that it --

15 it isn't an issue. But, separate, as I

16 mentioned, the only real tie to density impacts,

17 I feel, would be parking in this case. And it

18 is available on the street or within a short

19 walking distance.

20 The second prong in the negative

21 criteria is to demonstrate the granting of

22 relief will not substantially impair the intent

23 and purpose of the zone plan and zoning

24 ordinance.

25 I feel that it's appropriate in

18

1 this case. The applicant did their due
 2 diligence. Didn't realize there was an issue.
 3 And we had no reason to believe the third unit
 4 was added without proper approvals. Nor did
 5 anyone at CRDA, when the original CLUC was
 6 issued, based on the information provided at the
 7 time.
 8 Being that the density and the
 9 parking demand --
 10 This -- this is not, I'm gonna say,
 11 routinely granted, but the density proposed here
 12 and the number of units in reality, being only
 13 three, certainly doesn't impair the spirit,
 14 purpose and intent of the -- of the ordinance or
 15 -- or the rules.
 16 So, for those reasons, I feel that
 17 variance relief is warranted and that the proofs
 18 are sufficient for the board to be able to grant
 19 -- or for the CRDA to be able to grant that
 20 relief.
 21
 22 (CONTINUING) DIRECT EXAMINATION
 23 **BY KRISTOPHER FACENDA:**
 24 Q. Jay, in addition to promoting the
 25 general welfare, is it your opinion that this is

19

1 an appropriate location for mixed residential
 2 and commercial uses --
 3 [Indiscernible - cross-talking]
 4 **A. Absolutely. Yeah. It's permitted**
 5 **in the zone as such. Just, we have an average**
 6 **of density. But, the use is permitted.**
 7 **KRISTOPHER FACENDA:** Nothing
 8 further for --
 9 [Indiscernible - cross-talking]
 10 **THE WITNESS:** I'll be happy to
 11 answer any questions.
 12 **LANCE LANDGRAF:** Okay. Thank you,
 13 Mr. Sciallo.
 14 Rob, do you want to go through your
 15 --
 16 **ROBERT REID:** Should I be sworn in?
 17 **LANCE LANDGRAF:** Yes. You should.
 18 **JANE FONTANA:** Just raise your
 19 right hand.
 20 Do you swear or affirm to tell the
 21 whole truth and nothing but the truth in
 22 connection with these proceedings this morning?
 23 **ROBERT REID:** I do.
 24 **JANE FONTANA:** Thank you.
 25 **ROBERT REID:** Thank you.

20

1 **LANCE LANDGRAF:** So, the report
 2 prepared by Rob Reid of -- of my staff is
 3 January 11th, 2023.
 4 This will be marked as B-1.
 5 You can give us a brief overview of
 6 -- of your report.
 7 **ROBERT REID:** Yes. Thank you,
 8 Lance.
 9 Jason had correctly described the
 10 project and circumstance. And he has offered
 11 some testimony regarding the parking and the
 12 density, which I do agree with.
 13 I just wanted, I guess --
 14 Well, before I go any further, in
 15 regard to the completeness review, we do have
 16 adequate information to review the application.
 17 And as -- as part of the completeness review, I
 18 had requested that there be testimony, which has
 19 been presented, and also, an updated survey
 20 accurately showing the fourth floor. And that
 21 was provided. I do have that.
 22 **LANCE LANDGRAF:** Good.
 23 **ROBERT REID:** I guess we could mark
 24 that as A-2. Because it wasn't submitted
 25 originally.

21

1 **JANE FONTANA:** Um-hum. Well, we
 2 did not mark the application yet. So, we'll --
 3 **ROBERT REID:** Yeah.
 4 **JANE FONTANA:** -- mark the entire
 5 application --
 6 **LANCE LANDGRAF:** As -- as A-1.
 7 **JANE FONTANA:** -- as A-1.
 8 And then the subsequently submitted
 9 survey as A-2.
 10 **ROBERT REID:** Okay.
 11 **LANCE LANDGRAF:** Perfect.
 12 **ROBERT REID:** So, that --
 13 So, the completeness has completely
 14 been satisfied.
 15 And I'll get into the technical
 16 review.
 17 Before we go on through the
 18 background that's already on the record, on
 19 Page 2 -- Page 3 of my report, I have a list of
 20 pre-existing non-conforming conditions that are
 21 not being exasperated as part of this
 22 application. So, I -- I have no issue with
 23 that. The building remains unchanged in that
 24 respect.
 25 The positive and negative criteria

22

1 has been provided for the -- the variance
 2 request.
 3 And in -- in terms of site plan
 4 review, I have a few items I -- I wanted to see
 5 if it could be addressed.
 6 Page 5 (c)(1), entrance lighting.
 7 I just want to make sure that we have adequate
 8 lighting in -- in the rear entrance and the
 9 front entrance, make sure that's adequate.
 10 And I need testimony regarding the
 11 handling of -- and storage of trash on the site.
 12 **LANCE LANDGRAF:** That was in my
 13 notes to ask that same question.
 14 **ROBERT REID:** Yeah, yeah, yeah.
 15 **LANCE LANDGRAF:** Good.
 16 **ROBERT REID:** Because we have --
 17 And -- and -- and the reason I want
 18 that is that, when this building was built, as
 19 many of the buildings in Atlantic City were
 20 built, it was at a period of time when we didn't
 21 have as much trash as we generate today in our
 22 society. So, a lot of this stuff wasn't
 23 contemplated. That's why we have issues with
 24 trash containers out in front of units on -- on
 25 public streets.

23

1 And -- and what I have been doing
 2 as I go through the [indiscernible] land use
 3 process with buildings like this, I request them
 4 to provide a trash enclosure in accordance with
 5 the regulations or a trash room in the building
 6 itself.
 7 So, again, I'm here. That's in --
 8 in item (c)(2) in my report, asking for the
 9 trash to be handled and stored in accordance
 10 with 19:-7.2(c) and (k), which requires it to be
 11 in -- in an enclosure and screened from public
 12 view and screened from adjoining property.
 13 So, I'd like to hear some testimony
 14 on that.
 15 **KRISTOPHER FACENDA:** And -- and for
 16 that, I can present Mr. Martinez, who has not
 17 been sworn.
 18 **JANE FONTANA:** Mr. Martinez, if you
 19 could raise your right hand.
 20 Do you swear or affirm to tell the
 21 truth, the whole truth, and nothing but the
 22 truth in connection with these proceedings this
 23 morning?
 24 **ARMANDO MARTINEZ:** Yes.
 25 **LANCE LANDGRAF:** Welcome.

24

1
 2 **DIRECT EXAMINATION**
 3 **BY KRISTOPHER FACENDA:**
 4 Q. Mr. Martinez, you're the
 5 applicant's member. Correct?
 6 A. Yes.
 7 Q. All right. And that entity owns
 8 2801 Atlantic Avenue. Correct?
 9 A. Yes.
 10 Q. You're familiar with the property,
 11 obviously?
 12 A. Yes.
 13 Q. And use it for rental purposes?
 14 A. Yes.
 15 Q. Okay. In the rear portion of the
 16 area -- or of the property, is there an area
 17 where you can designate as an area for trash
 18 bins and the like?
 19 A. Yes.
 20 Q. Okay. And will you do that as a
 21 condition of any approval that you receive
 22 today?
 23 A. Yes.
 24 Q. And in terms of getting that trash
 25 to Atlantic Avenue, are there two potential ways

25

1 to do that?
 2 A. Yes.
 3 Q. Okay. And is that through the
 4 commercial unit, through to Atlantic Avenue?
 5 A. Yes.
 6 Q. Okay. And is there also an alley
 7 in which you also have access and room to remove
 8 trash cans from the rear of the property to
 9 Atlantic Avenue?
 10 A. Yes.
 11 Q. Okay. And going forward, as a
 12 condition of approval, will you agree that
 13 that's the only way trash will leave this site?
 14 A. Yes.
 15 **KRISTOPHER FACENDA:** Is that
 16 satisfactory, Rob?
 17 **ROBERT REID:** Yes. I -- I would
 18 like to see a trash enclosure actually shown on
 19 the plan and submitted as part -- as a condition
 20 of the approval so that we have a record of
 21 exactly what happens. Because --
 22 **KRISTOPHER FACENDA:** Okay. We show
 23 that on the survey?
 24 **ROBERT REID:** Pardon?
 25 The survey I have here doesn't show

26

1 a trash enclosure, it doesn't show any kind of
 2 screening at all. So, we need something.
 3 **KRISTOPHER FACENDA:** That's fine.
 4 Can we -- can we just mark that on that existing
 5 survey?
 6 I don't know that we have a site
 7 plan, per se. We have --
 8 [Indiscernible - cross-talking]
 9 **ROBERT REID:** Well, with this --
 10 The -- the new site plan will
 11 consist of a -- a survey showing that
 12 information at.
 13 **KRISTOPHER FACENDA:** That's fine.
 14 Yes. We can agree to do that.
 15 **LANCE LANDGRAF:** Okay. Good.
 16 **ROBERT REID:** The other item,
 17 (c)(3), has a condition if -- if -- as a
 18 condition of this review and approval, there's
 19 three items.
 20 You'll need to secure the proper
 21 building codes from Atlantic City Building
 22 Department, secure a certification from
 23 Atlantic City Fire Department, Fire Prevention
 24 Bureau, and any other approvals that may be
 25 necessary for you to operate this facility.

27

1 **LANCE LANDGRAF:** So, essentially,
 2 the outside approvals will be required.
 3 **ROBERT REID:** Yeah.
 4 **LANCE LANDGRAF:** Okay.
 5 **ROBERT REID:** Yes.
 6 **LANCE LANDGRAF:** Good.
 7 **BY KRISTOPHER FACENDA:**
 8 Q. And you'll agree to get any outside
 9 approvals that are required for the --
 10 **LANCE LANDGRAF:** Yep.
 11 **BY KRISTOPHER FACENDA:**
 12 Q. -- implementation of the existing
 13 building.
 14 Right?
 15 **A. Yes.**
 16 Q. Okay.
 17 **ROBERT REID:** That's all I have.
 18 **LANCE LANDGRAF:** Okay. Thank you.
 19 All right. Kris, anything else?
 20 **KRISTOPHER FACENDA:** Nothing
 21 further.
 22 **LANCE LANDGRAF:** All right. With
 23 that, we'll open this application up to the
 24 public. If anyone here wishes to speak, please
 25 step forward.

28

1 Sir, please state your name and
 2 you'll be sworn and --
 3 UNIDENTIFIED MALE MEMBER FROM THE
 4 **AUDIENCE:** My name is Spero Troupis.
 5 **JANE FONTANA:** Mr. Troupis, would
 6 you -- do you swear or affirm to tell the truth,
 7 the whole truth in connection with these
 8 proceedings this morning?
 9 MEMBER FROM THE AUDIENCE (SPERO
 10 TROUPIS): I do.
 11 **JANE FONTANA:** Thank you.
 12 MEMBER FROM THE AUDIENCE (SPERO
 13 TROUPIS): So, I'm the owner of the properties
 14 on either side of this property.
 15 **LANCE LANDGRAF:** Okay.
 16 MEMBER FROM THE AUDIENCE (SPERO
 17 TROUPIS): And I also buffer this property on
 18 the rear, at North -- 9 North Stenton Avenue.
 19 Stenton Place. I'm sorry. Not avenue.
 20 And I find it a little bit
 21 difficult to understand how they can do the
 22 trash down the alleyway, because the alleyway is
 23 only 22 inches wide. And a -- a city trash can
 24 is about 28 inches wide. And even if you get
 25 the smaller trash can, they're still 23 inches

29

1 wide. But, that's not the issue right now.
 2 The issue is, when you get to the
 3 front of the alleyway, there is an electrical
 4 meter box hindering that alleyway. I mean, I
 5 got pictures. If you'd like to see them, I'll
 6 be happy to show you.
 7 **LANCE LANDGRAF:** Well, I'd ask
 8 either Kris or the applicant to address how --
 9 how he plans on getting those -- those cans
 10 around --
 11 **KRISTOPHER FACENDA:** Sure.
 12 **LANCE LANDGRAF:** -- to the -- to
 13 the street.
 14 **KRISTOPHER FACENDA:** Sure. We did
 15 a little research on trash cans yesterday. We
 16 can certainly purchase 22-inch trash cans that
 17 will fit down the alleyway.
 18 Alternatively, if we're coming
 19 through the commercial units, I don't think the
 20 -- the distance -- or the width of the alleyway
 21 exists.
 22 And my third comment would be,
 23 Mr. Troupis has certain encroachments emanating
 24 from his property that are shown on the Catalano
 25 survey. Perhaps if he would remove those

30

1 encroachments, we'd have a little more room to
 2 get our trash out.
 3 **LANCE LANDGRAF:** Is that on there?
 4 **ROBERT REID:** I don't see --
 5 [Indiscernible - cross-talking]
 6 **KRISTOPHER FACENDA:** And he's aware
 7 of that.
 8 **LANCE LANDGRAF:** So, where are they
 9 --
 10 Are they shown on -- on this
 11 survey?
 12 **ROBERT REID:** I don't --
 13 **KRISTOPHER FACENDA:** If you zoom
 14 in, Lance, the -- the property border on the
 15 right side, --
 16 **LANCE LANDGRAF:** Oh. Okay.
 17 **KRISTOPHER FACENDA:** -- I think
 18 there is a --
 19 **LANCE LANDGRAF:** There's stairs
 20 there.
 21 **KRISTOPHER FACENDA:** Stairs and --
 22 **LANCE LANDGRAF:** And a --
 23 **KRISTOPHER FACENDA:** -- possibly, a
 24 fence.
 25 Again, not making --

31

1 From our perspective, we're not
 2 looking to make a big deal of those
 3 encroachments here today or possibly ever.
 4 However, we would look for, you know, some --
 5 you know, some relief here with respect to a
 6 22-inch trash can. Or we'll bring them through
 7 the commercial units.
 8 **LANCE LANDGRAF:** So --
 9 I see it right here.
 10 **ROBERT REID:** Do you see any
 11 encroachment?
 12 **LANCE LANDGRAF:** It's right here.
 13 It's --
 14 There's these steps that come right
 15 up to the property line.
 16 **ROBERT REID:** Well, the steps --
 17 the steps are at the property line.
 18 **LANCE LANDGRAF:** Right. And then
 19 you have this --
 20 **KRISTOPHER FACENDA:** They extend
 21 over.
 22 **LANCE LANDGRAF:** Yeah.
 23 **ROBERT REID:** And --
 24 **LANCE LANDGRAF:** There -- there's
 25 something that says -- there's some digits there

32

1 I can't really read through that says how far
 2 they're -- they're off the property line -- or
 3 -- or encroachment. I don't know.
 4 So, what I would say is --
 5 Or how -- how would you bring it
 6 through the building?
 7 [Indiscernible - low speaking
 8 background voices]
 9 How would you bring them, the cans,
 10 through the structure?
 11 **BY KRISTOPHER FACENDA:**
 12 Q. Can you testify to that?
 13 A. **Yeah. That's all --**
 14 **Back door. You go open through the**
 15 **back of the commercial, the tattoo parlor, and**
 16 **bring them through the --**
 17 **LANCE LANDGRAF:** Okay. So, there's
 18 -- there's aisleways in that -- that commercial
 19 use that you can come through.
 20 **MEMBER FROM THE AUDIENCE (SPERO**
 21 **TROUPIS):** Yes.
 22 **LANCE LANDGRAF:** That's what the
 23 use is on that first floor is a tattoo parlor.
 24 That's right.
 25 **MEMBER FROM THE AUDIENCE (SPERO**

33

1 **TROUPIS):** Mm-hmm.
 2 **LANCE LANDGRAF:** So, it's not like
 3 a restaurant you're rolling trash cans through.
 4 **MEMBER FROM THE AUDIENCE (SPERO**
 5 **TROUPIS):** Uh-uh.
 6 **LANCE LANDGRAF:** Although it is a
 7 sterile environment if you're doing tattoos and
 8 things. So, that's a little bit of a concern.
 9 But...
 10 **KRISTOPHER FACENDA:** I'm sorry. A
 11 what environment?
 12 **LANCE LANDGRAF:** A sterile
 13 environment.
 14 **KRISTOPHER FACENDA:** Oh.
 15 **LANCE LANDGRAF:** You're puncturing
 16 people's skin with --
 17 So, you don't want to be bringing
 18 literally --
 19 **KRISTOPHER FACENDA:** We'll --
 20 **LANCE LANDGRAF:** -- trash through
 21 there.
 22 **KRISTOPHER FACENDA:** -- certainly
 23 meet all the health --
 24 **LANCE LANDGRAF:** Yeah.
 25 **KRISTOPHER FACENDA:** -- code

34

1 conditions.

2 [Indiscernible - low speaking

3 background voices]

4 **LANCE LANDGRAF:** So, one way or the

5 other, you have to figure out how to get the

6 trash to Atlantic Avenue. So, whether you can

7 get smaller cans and -- and bring it down that

8 -- that side or you bring them through the

9 building.

10 You know, I -- I don't know that

11 that's our purview, to tell you how you have to

12 get them through there.

13 [Indiscernible - low speaking

14 background voices]

15 If you can't use the alleyway -- or

16 -- or the side lot line -- I don't know if it's

17 an alley or it's just a -- a setback there --

18 **KRISTOPHER FACENDA:** There is an

19 alley on the --

20 **LANCE LANDGRAF:** Is it?

21 **KRISTOPHER FACENDA:** -- on the

22 right side as you face the building.

23 **LANCE LANDGRAF:** Okay.

24 **KRISTOPHER FACENDA:** I think we

25 have 1.88 feet, which --

35

1 **LANCE LANDGRAF:** Yeah.

2 **KRISTOPHER FACENDA:** Inches? I

3 don't know.

4 **CHRISTOPHER MORRIS:** Twenty-two

5 inches.

6 **LANCE LANDGRAF:** Twenty-two inches.

7 **ROBERT REID:** Twenty-two inches.

8 **CHRISTOPHER MORRIS:** That's

9 engineering math. That's not -- that's not

10 lawyer math.

11 **ROBERT REID:** Yeah. Yeah.

12 **LANCE LANDGRAF:** Yeah. That's --

13 **ROBERT REID:** And then the -- the

14 --

15 **LANCE LANDGRAF:** That lawyer's not

16 in the room.

17 **ROBERT REID:** -- the -- the stairs

18 -- the stairs seem to encroach maybe an inch and

19 a half.

20 So, I --

21 **LANCE LANDGRAF:** That makes it a

22 little smaller.

23 **ROBERT REID:** Yeah.

24 **LANCE LANDGRAF:** All right. So,

25 like I said, it -- it's --

36

1 Whether -- whether or not the --

2 MEMBER FROM THE AUDIENCE (SPERO

3 TROUPIS): May I say something?

4 **LANCE LANDGRAF:** Sure, sir.

5 MEMBER FROM THE AUDIENCE (SPERO

6 TROUPIS): The 22 inches. I mean, I'm not

7 trying to be picky, but the 1.88 is a five --

8 it's -- it's a five feet difference from one

9 building to the other.

10 **LANCE LANDGRAF:** Right.

11 MEMBER FROM THE AUDIENCE (SPERO

12 TROUPIS): And the 1.88 and 3.18 doesn't make up

13 five feet. It makes five feet point zero 6.

14 And I'm -- I'm questioning that

15 survey. Because my survey was done by Ponzio.

16 And I -- I don't have an indication as to how

17 wide that alleyway is belonging to me.

18 So, I questioned him today, and he

19 -- unfortunately, he's out of town. And he'll

20 be back on Tuesday.

21 I'm gonna find out what exactly

22 belongs to me.

23 But, 1.88 and 3.18 doesn't make

24 five feet. It makes 5.06 feet.

25 So, I'm --

37

1 That -- that survey, I think, is in

2 question.

3 **LANCE LANDGRAF:** So, we're talking

4 about .06 feet is what your concern is.

5 MEMBER FROM THE AUDIENCE (SPERO

6 TROUPIS): Well, I -- I don't know --

7 **LANCE LANDGRAF:** Okay.

8 MEMBER FROM THE AUDIENCE (SPERO

9 TROUPIS): -- exactly.

10 **LANCE LANDGRAF:** That's gonna be a

11 -- a discrepancy between the two neighboring

12 property owners. It doesn't affect what we're

13 talking about here today.

14 MEMBER FROM THE AUDIENCE (SPERO

15 TROUPIS): Okay. I just wanted to point it out.

16 **LANCE LANDGRAF:** Understood.

17 So, it's -- it's .06 feet. Jeff

18 will tell us how --

19 **JEFFREY HANSON:** Three-quarters of

20 an inch.

21 **LANCE LANDGRAF:** Three-quarters.

22 This big.

23 MEMBER FROM THE AUDIENCE (SPERO

24 TROUPIS): And --

25 It's about that. Correct.

38

1 **LANCE LANDGRAF:** So --
 2 Right.
 3 **MEMBER FROM THE AUDIENCE (SPERO**
 4 **TROUPIS):** The -- the -- the issue is, at least
 5 their --
 6 The gentleman's mentioning about
 7 I'm encroaching on his property. I'll -- I'll
 8 be sure to go in and get my survey to put my
 9 fence exactly where my property is --
 10 **LANCE LANDGRAF:** Okay.
 11 **MEMBER FROM THE AUDIENCE (SPERO**
 12 **TROUPIS):** -- if I'm encroaching on his
 13 property.
 14 **LANCE LANDGRAF:** Well, if we can
 15 get neighbors to cooperate with an application,
 16 we certainly encourage that. It doesn't seem
 17 like you guys really want to do that. So, I'm
 18 -- I'm disappointed in that.
 19 **KRISTOPHER FACENDA:** We've
 20 certainly tried.
 21 **LANCE LANDGRAF:** I -- I understand.
 22 So, if he has to bring the trash
 23 through the building, then he has to do it that
 24 way.
 25 **KRISTOPHER FACENDA:** So be it.

39

1 **LANCE LANDGRAF:** But, we would hope
 2 that you guys could come to some agreement that
 3 you could -- could share that alleyway and --
 4 and bring Mr. Martinez's building's trash.
 5 You know, the city's not gonna go
 6 anywhere with neighbors fighting each other.
 7 I'd really hope that we could get -- get
 8 together and -- and do something that we work
 9 together to bring the city back as a whole.
 10 So, worrying about three-quarters
 11 of an inch is a little -- a little bit nitpicky,
 12 if you -- if you don't mind me saying that. And
 13 I'm --
 14 **MEMBER FROM THE AUDIENCE (SPERO**
 15 **TROUPIS):** Let me just say --
 16 **LANCE LANDGRAF:** -- I'm sorry to
 17 say it that way.
 18 **MEMBER FROM THE AUDIENCE (SPERO**
 19 **TROUPIS):** -- it's not the -- it's not the
 20 three-quarters of an inch that I'm talking
 21 about. I'm talking about the -- the meter boxes
 22 that jut out from the side of his building.
 23 **LANCE LANDGRAF:** Well, we can't
 24 control Atlantic Electric. They're -- they're
 25 gonna put the meter boxes wherever they see fit.

40

1 They're typically higher than that.
 2 And they have -- the new ones have to be at
 3 elevation 12. I'm pretty sure that's not at
 4 elevation 12 if it's -- if it's --
 5 **JASON SCIULLO:** Atlantic's pretty
 6 high.
 7 We -- we went out and took a quick
 8 look at it, and I'll let Kris say it. He went
 9 and visited the site, and he could -- he could
 10 duck his head and walk under it. A trash can
 11 will fit --
 12 [Indiscernible - cross-talking]
 13 **LANCE LANDGRAF:** You can get a can
 14 underneath. All right.
 15 **KRISTOPHER FACENDA:** I -- I could
 16 if I --
 17 Yes.
 18 **LANCE LANDGRAF:** All right. So,
 19 what I would ask is that, Mr. Martinez, if you
 20 can bring it through the building, that's fine.
 21 If you can't -- you know, if you can't get it
 22 down the alley, to bring it through the
 23 building. That's all I would ask. So...
 24 Mr. Troupis, is that all?
 25 **MEMBER FROM THE AUDIENCE (SPERO**

41

1 **TROUPIS):** Well, that's about it.
 2 **LANCE LANDGRAF:** Okay.
 3 **JANE FONTANA:** Thank you.
 4 **LANCE LANDGRAF:** Thank you for
 5 coming out today.
 6 **MEMBER FROM THE AUDIENCE (SPERO**
 7 **TROUPIS):** You're welcome.
 8 **LANCE LANDGRAF:** I appreciate it.
 9 Does anyone else from the public
 10 want to make any comments?
 11 Seeing none, we'll close the public
 12 portion.
 13 And, Rob, we're good here?
 14 **ROBERT REID:** I have nothing else.
 15 **LANCE LANDGRAF:** All right. Kris,
 16 are you finished here?
 17 **KRISTOPHER FACENDA:** Nothing
 18 further.
 19 **LANCE LANDGRAF:** All right.
 20 **KRISTOPHER FACENDA:** I appreciate
 21 everybody's time.
 22 **LANCE LANDGRAF:** I can't promise
 23 I'm gonna get all five of these on for February,
 24 but I will try to get this done, because I know
 25 you guys want to move forward, and we don't want

1 to hold it up. But, I will try and get our
 2 hearing officer report done and get it out to --
 3 to our board in time for our February 21st board
 4 meeting.
 5 **KRISTOPHER FACENDA:** I appreciate
 6 that.
 7 **LANCE LANDGRAF:** So, thank you.
 8 **KRISTOPHER FACENDA:** Have a great
 9 day.
 10 MEMBER FROM THE AUDIENCE (SPERO
 11 TROUPIS): Thank you.
 12 **JANE FONTANA:** Thank you.
 13 **LANCE LANDGRAF:** We're closed on
 14 that one.
 15
 16 (This public hearing concluded at
 17 the time indicated on the videographer's
 18 equipment.)
 19
 20
 21
 22
 23
 24
 25

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 2
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