

In The Matter Of:
CITY OF CAMDEN
ZONING BOARD

TRANSCRIPT OF MEETING
April 3, 2023

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ZONING BOARD
CITY OF CAMDEN

- - - -

Monday, April 3, 2023

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Transcript of proceedings in the above
matter taken in City Council Chambers, 2nd floor
City Hall, 520 Market Street, Camden, New Jersey
08101, commencing at 5:45 p.m.

B O A R D M E M B E R S P R E S E N T

DARNELL HANCE, CHAIRMAN
CHARLES COOPER, VICE-CHAIRMAN
ISASIA MARTINEZ
MARIZTA ALSTON
JOSE BRITO BUENO

- - - -

KYLE F. EINGORN, ESQUIRE
ATTORNEY FOR THE BOARD
EVITA MUHAMMAD, ZONING BOARD SECRETARY

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1	I N D E X - C A S E S H E A R D	P A G E
2	1) 1060 BERGEN AVENUE, LLC, 1060 Bergen Avenue (Not Heard)	4
4	2) JOSEPH'S HOUSE OF CAMDEN 555 Atlantic Avenue (RESOLUTION ADOPTED)	6
7	3) HEZEKIAH & ROSITA ADEDOYIN 549 Pfeiffer Street	21
9	4) AS PROMISED HOLDINGS, LLC 1600 Carman Street (Continued to the May 1, 2023)	28
11	5) MARIA A. PERALTA HENRIQUEZ 1714 S. 10th Street	30
13	6) EMELYN PERALTA 1315 S. 10th Street (Heard but continued to May 1, 2023)	48
16	7) MICHAEL MCFARLANE 509 Randolph Street	55
18	8) RONALD AND FRANCES ABATE 1929 N. 4th Street (Notice Deficient; Not heard)	5
20	9) TOBI ROSARIO 4120 Westfield Avenue	69
22	10) 50 S. Duley Street (Deficient Notice; Not heard)	5
23	11) 1103 N. 20th Street (Adjourned to the May 1, 2023)	6
24	12) 423 Chambers Ave. (Deficient Notice)	6

1 CHAIRMAN HANCE: Good evening and welcome
2 to the Zoning Board of Adjustment regular scheduled
3 meeting on April 3, 2023. Reading of the Sunshine
4 Law.

5 In conformance of the Sunshine Law of New
6 Jersey, notice of this meeting was posted in the
7 Municipal Clerk's Office on Tuesday, March 28, 2023.
8 Roll call.

9 MR. EINGORN: Chairman Hance.

10 CHAIRMAN HANCE: Here.

11 MR. EINGORN: Vice-Chairman Cooper.

12 VICE-CHAIRMAN COOPER: Present.

13 MR. EINGORN: Reverend Martinez.

14 REVEREND MARTINEZ: Here.

15 MR. EINGORN: Ms. Atwood. Absent.

16 Ms. Merricks. Absent. Ms. Alston.

17 MS. ALSTON: Present.

18 MR. EINGORN: Mr. Brito Bueno.

19 MR. BRITO BUENO: Yes.

20 MR. EINGORN: Very good. Ms. Washington
21 is also absent.

22 Our first matter on the agenda would be
23 the approval of the minutes from February 2023. Do I
24 have a motion?

25 VICE-CHAIRMAN COOPER: Motion to accept.

1 MR. EINGORN: Do we have a second?

2 CHAIRMAN HANCE: Second.

3 MR. EINGORN: I'll take a roll-call vote.

4 Chairman Hance.

5 CHAIRMAN HANCE: Yes.

6 MR. EINGORN: Vice-Chairman Cooper.

7 VICE-CHAIRMAN COOPER: Yes.

8 MR. EINGORN: Reverend Martinez.

9 REVEREND MARTINEZ: Yes.

10 MR. EINGORN: Ms. Alston.

11 MS. ALSTON: Yes.

12 MR. EINGORN: Mr. Brito Bueno.

13 MR. BRITO BUENO: Yes.

14 MR. EINGORN: All in favor, so moved.

15 I'll run through the list. If you hear
16 your application, please let us know that you're here
17 and ready to proceed. The first matter, 1060 Bergen
18 Avenue, LLC. Not present. Joseph's House of Camden.

19 MR. SANDO: Present. Counsel.

20 MR. EINGORN: Good evening.

21 Hezekiah & Rosita Adedoyin, 549 Pfeiffer
22 Street.

23 MR. ADEDOYIN: Here.

24 MR. EINGORN: Good evening. As Promised
25 Holdings, LLC.

1 MR. PAYTON: Present.

2 MR. EINGORN: Good evening. Maria A.
3 Peralta Henriquez.

4 MR. IZZO: Here. Present.

5 MR. EINGORN: Good evening. Emelyn
6 Peralta, 1315 S. 10th Street.

7 MR. IZZO: Also appearing tonight.

8 MR. EINGORN: Very good. Michael
9 McFarlane, 509 Randolph Street.

10 MR. MCFARLANE: Present.

11 MR. EINGORN: Ronald and Frances Abate.
12 Notice for this application was deficient and it will
13 be not heard tonight. And then the final matter is
14 Tobi Rosario, 4120 Westfield Avenue.

15 MR. ROSARIO: Here.

16 MR. EINGORN: Good evening.

17 Then for the record, the matter of
18 50 S. Dudley had deficient notice. If you're here
19 for 50 S. Dudley or you received any kind of
20 notification for that and that's why you're here,
21 that will not be heard tonight. And that goes for
22 423 Chambers Avenue as well. The notice for that was
23 deficient and if you received a letter or notice of
24 some sort, that will not be heard tonight.

25 And then, 1103 North 20th Street, we

1 received a late Proof of Service and, therefore,
2 while publication and notice was proper, we couldn't
3 get it on the agenda so that will be adjourned to the
4 May meeting without further notice to the public. If
5 you're here for that, it will not be heard tonight.
6 That will be a first of May at 5:30.

7 So we will start with our first available
8 matter which is Joseph's House of Camden, 555
9 Atlantic Avenue. Just for the record, as the public
10 can see, the Zoning Board only has five members
11 tonight. If you require a use variance from the
12 Board, you will require a unanimous vote of all five
13 members. That's just a heads-up if you wish to
14 adjourn, we can discuss it. But as of right now, we
15 only have five members. And you need five
16 affirmative votes to receive a use variance.

17 MR. SANDO: Good evening, my name is Eric
18 Sando. I'm here on behalf of the applicant, Joseph's
19 House. With me is the executive director of Joseph's
20 House, Shawn Sheekey. We submitted an application
21 for the property located at 555 Atlantic Avenue in
22 Camden, Block 345, Lot 11. It is zoned Light
23 Industrial District. We're requesting relief to
24 remove an existing chain link fence that's between
25 seven-foot high and ten-feet high with barbed wire

1 across the top, and replace that with a
2 modern-looking aluminum black seven-foot fence.
3 Just a brief background on my clients.

4 Joseph's House is a 501-C3(ph) Nonprofit.
5 They primarily focus on helping the homeless citizens
6 of Camden. They provide food and shelter. Between
7 75 and 80 people stay overnight each night. They
8 provide various different types of referral sources
9 and on-site consulting and things of that nature.

10 This property was previously a juvenile
11 detention center which explains why they had such
12 high fencing at the location. Joseph's House
13 purchased the property ten years ago. They've
14 applied for and they've obtained a grant for funding
15 to remove the unsightly fence with the barbed wire
16 and erect the aluminum fence. With that said, we
17 have some exhibits that I put in the binders.

18 MR. EINGORN: It think everybody received
19 a copy.

20 MR. SANDO: It looks similar but can I
21 give you these just in case they have changed. It
22 might be the same but I don't know. And if you'd
23 like to swear in Mr. Sheekey, he can approach and
24 I'll ask him a few questions for the record.

25 MR. EINGORN: That would be great. Mr.

1 Sheekey, would you raise your right hand?

2 - - -

3 SHAWN SHEEKEY, having first been duly
4 sworn, was examined and testified as follows:

5 - - -

6 MR. EINGORN: Give your name and address
7 for the record.

8 MR. SHEEKEY: Shawn Sheekey. Which
9 address do you need?

10 MR. EINGORN: Business.

11 MR. SHEEKEY: 555 Atlantic Avenue,
12 Camden, New Jersey 08104.

13 MR. SANDO: Mr. Sheekey, you're the
14 executive director of Joseph's House, correct?

15 MR. SHEEKEY: That's correct.

16 MR. SANDO: And Joseph's House owns the
17 property at 555 Atlantic Avenue, right?

18 MR. SHEEKEY: Yes.

19 MR. SANDO: And looking at Exhibit A,
20 that's the deed for the property, correct?

21 MR. SHEEKEY: That's correct.

22 MR. SANDO: And can you explain to the
23 Board what you'd like to do with this property?

24 MR. SHEEKEY: Sure. We've applied and
25 received grant money from the Department of Community

1 Affairs. We're trying to make some physical
2 improvements to the property. We consider ourselves
3 an important neighbor in the neighborhood. And we
4 have neighbors behind us on Mechanic Street. The
5 sight of a chain link fence with razor wire isn't
6 that great so we are trying to upgrade that and
7 replace it with a seven-foot fence.

8 MR. SANDO: And the current fence there
9 is between seven-foot high with barbed wire at ten
10 feet high, correct?

11 MR. SHEEKEY: Ten. Correct.

12 MR. SANDO: And if you look at Exhibit B,
13 that's an aerial view of your property, right?

14 MR. SHEEKEY: Correct.

15 MR. SANDO: And there's a yellow line
16 marking the perimeter of the property, correct?

17 MR. SHEEKEY: Yes.

18 MR. SANDO: And that's where you'd like
19 the seven-foot fence to be installed, correct?

20 MR. SHEEKEY: That's correct

21 MR. SANDO: If you look at page two of
22 Exhibit B, that's the existing fence that was on the
23 property, right?

24 MR. SHEEKEY: Yes.

25 MR. SANDO: And that's on Atlantic

1 Avenue?

2 MR. SHEEKEY: That's Atlantic.

3 MR. SANDO: And that fence you replaced
4 in 2021, correct?

5 MR. SHEEKEY: Yes.

6 MR. SANDO: And that's showed on page
7 three?

8 MR. SHEEKEY: That's correct. That's the
9 new fence fronting Atlantic.

10 MR. SANDO: In 2021 when this fence was
11 replaced, you were under the understanding that a
12 contractor obtained the proper permitting and any
13 kind of variance, right?

14 MR. SHEEKEY: We did. We thought that
15 they had gotten what we needed in terms of a
16 variance, yes.

17 MR. SANDO: And presently, you're trying
18 to install that same fence around the rest of the
19 property. And you hired a new contractor, right?

20 MR. SHEEKEY: We did, yes, that's
21 correct.

22 MR. SANDO: And in that process, you
23 learned that you needed a variance, right?

24 MR. SHEEKEY: We needed a variance,
25 correct.

1 more additional views of 6th Street. You can could
2 see a gate on the right. That's kind of becoming our
3 primary entrance because the traffic on Atlantic
4 Avenue is too dangerous and we're trying to get
5 people to cue on 6th and not on Atlantic.

6 Page 7 is the corner of 6th & Mechanic.
7 And then we run down Mechanic Street, page 8. Again,
8 we have a really sweet woman across the street who is
9 sort of the neighborhood watch and we deal with her
10 quite a bit. And I told her some day it's going to
11 be painted and we're going to have a new fence it's
12 going to be much more esthetically-pleasing
13 to the neighborhood so she's thrilled about that.

14 Page 9, again, this is a shot of 6th
15 Street. Page 10 you'll see the corner of Atlantic --
16 I'm sorry, Atlantic. And where it touches the fence
17 there, that's an industrial neighbor on the other
18 side. And then on the right, there's Atlantic Avenue
19 and 6th where, again, our existing new fence touches
20 the fence we want to replace.

21 Page 11 shows some of the damage to the
22 existing fence. We even had a wire and close things
23 because of holes. Again, this is the side with the
24 other neighbor where constant vegetation, the Poison
25 Ivy that we have to go out and cut every year. And,

1 luckily -- unluckily we've gotten Poison Ivy twice
2 doing that.

3 Page 13, that's the 6th Street gate.
4 That will be upgraded as well. But you can see the
5 barbed wire. Not very inviting to our homeless
6 guests. And, again, 14 is just another example of
7 the vegetation. But that fence is facing the
8 adjacent property. And questions on those?

9 MR. SANDO: Mr. Sheekey, the Exhibit
10 marked C, that's the specifications of the new
11 fencing you'd like to install as well as the fence
12 that was installed at Atlantic Avenue, correct?

13 MR. SHEEKEY: Yes. They'll match.

14 MR. SANDO: And Exhibit C on page 2
15 starts the proposal from the contractor to provide
16 additional information on the installation, correct?

17 MR. SHEEKEY: Yes. Correct.

18 MR. SANDO: If you look at Exhibit D,
19 what does that picture show?

20 MR. SHEEKEY: That is the building.
21 You'll see there's a section that isn't yellow.
22 That's actually our sidewall with an adjacent
23 property so there's obviously no need for a fence
24 there. The fence will run up to both sides of the
25 building there.

1 MR. SANDO: I think you'll still on
2 Exhibit C. Is this D?

3 MR. SHEEKEY: D. Sorry about that.

4 MR. SANDO: Take your time.

5 MR. SHEEKEY: This is across the street
6 in front of the methadone clinic. This, I believe,
7 came out as part of a pedestrian safety study because
8 there's too many people crossing there and Atlantic
9 is a busy street with 18-wheelers rolling down so
10 that smaller fence was installed. That's directly
11 across the street from us. In addition to their
12 fence, they have a fence and the people can't step on
13 to Atlantic Avenue.

14 VICE-CHAIRMAN COOPER: Is that property
15 too?

16 MR. SHEEKEY: It's not. That's directly
17 across the street from 555.

18 MR. SANDO: Mr. Sheekey, is it fair to
19 say the property across the street has a similar
20 style fence that you'd like to install on your
21 property?

22 MR. SHEEKEY: Yes. Yes, indeed.

23 MR. SANDO: If you look at Exhibit E,
24 this is the permit application which was submitted by
25 your contractor, correct?

1 MR. SHEEKEY: Yes, that's correct.

2 MR. SANDO: And then the denial letter
3 because the fence that you'd like to install which is
4 7-foot high is higher than the permitted wire under
5 the Zoning Code?

6 MR. SHEEKEY: Yes.

7 MR. SANDO: And can you explain to the
8 Board why you'd like to install a 7-foot fence as
9 opposed to a 6-foot fence as per the Ordinance?

10 MR. SHEEKEY: Yes. I think a lot of the
11 contractors when we originally did this out, were
12 recommending a 7-foot fence. We don't need the 10
13 but, obviously, what's paramount here is the safety
14 of our guests, our workers, the volunteers that come
15 out because we're an overnight operation. So, yes,
16 we don't think we need 10 feet that high but everyone
17 recommended a 7-foot fence and that makes sense.

18 And, again, I just think to the
19 neighborhood being part of the Bergen Square
20 Neighborhood, we want to be good neighbors and we
21 hope that it'll be a lot more esthetically-pleasing,
22 as well as meeting our security needs.

23 MR. SANDO: And are you aware of any
24 negative effects of installing this fence?

25 MR. SHEEKEY: No. No. I mean, if you

1 saw the new fence in person and what the methadone
2 perimeter looks like, it's very nice. I think it'll
3 really start to create a nice area there.

4 MR. SANDO: I have no further questions.

5 MR. EINGORN: Does the board have
6 questions for the applicant?

7 CHAIRMAN HANCE: I'm curious. How many
8 people do you hold there at one time?

9 MR. SHEEKEY: We do probably about 80 a
10 night. Sometimes it's higher because each year
11 we contract with the City of Camden for Code Blue.
12 So a Code Blue runs through to the end of April. So
13 on a Code Blue night, we'll take in probably an
14 additional 12. But we're the point of contact. We
15 park a van there from the South Jersey Transportation
16 Authority. And then once we hit Guest No. 13, they
17 take them to another site.

18 CHAIRMAN HANCE: So you want a 7-foot
19 fence. But that's also for security and also for,
20 I'll say, commercial to look like it blends in with
21 the one across the street from you?

22 MR. SHEEKEY: Yes.

23 CHAIRMAN HANCE: I've lived in that area.
24 I'm always around that area. We've passed you. You
25 were here before; a few years ago to be there. And I

1 think it does need a facelift. I wasn't crazy about
2 the barbed wire either. I think it's a safety issue.

3 MR. SHEEKEY: A lot of our donors don't
4 like the idea. It's left over from the previous --

5 CHAIRMAN HANCE: Correctional place.

6 MR. SHEEKEY: Yes. Exactly. We want it
7 to be welcoming and safe. That's the whole thing.
8 We want guests to know when they come in, they're
9 safe and secure.

10 CHAIRMAN HANCE: So are you going to have
11 two entrances and just the one now?

12 MR. SHEEKEY: It'll be -- we have a new
13 moving gate. That's for cars coming in. But the
14 pedestrian and guest entrance is on 6th Street.
15 We're also planning to paint it. We're getting a new
16 canopy so it's really going to jazz up the shelter.

17 MR. EINGORN: Does the Board have any
18 further questions?

19 MS. ALSTON: I do. This is the fence
20 now?

21 MR. SHEEKEY: That's the --

22 MS. ALSTON: On 3?

23 MR. SHEEKEY: That's correct, yes.

24 MS. ALSTON: And this is the one that's
25 7-foot?

1 MR. SHEEKEY: Yes. So that'll match all
2 the way around the perimeter.

3 MR. EINGORN: For the record, that was
4 Exhibit B, page 3?

5 MS. ALSTON: Yes.

6 MR. EINGORN: Thank you. Anything else?
7 Hearing none, let's open this application to the
8 public. Is anybody in the public here tonight to be
9 heard on this application whether in support or
10 against the granting of the requested variances?
11 Hearing none, we'll close the public portion.

12 Now would be the time for the Board to
13 discuss the Positive and Negative Criterias related
14 to the requested variance for the removal of a 7 to
15 10-foot chain link fence with barbed wire and to
16 replace it with a modern aluminum 7-foot fence. My
17 recollection is that they're requesting a bulk
18 variance.

19 CHAIRMAN HANCE: I think it's positive
20 that you're going to change that fence. It's way
21 past due. Like I said, I'm always in that area.
22 I work in that area actually. I think it would be a
23 great idea to have both sides of the street kind of
24 matching each other and giving Camden a different
25 look.

1 VICE-CHAIRMAN COOPER: I'm going to
2 piggyback on the Chairman here. I think it's a good
3 thing for the community to have a uniform fence there
4 and it's going to be secured so it's not going to be
5 that easy to climb because of the slats.

6 One concern I did have, I did go by there
7 the other day. And when I pulled up to that stop
8 sign, that pedestrian fence on that one side is
9 blocking. If you talk to your counterpart there,
10 maybe they could do something with that fence there.

11 MR. SHEEKEY: And that's the corner of?

12 VICE-CHAIRMAN COOPER: 6th & Atlantic.
13 Okay.

14 MR. SHEEKEY: It's a pretty scary
15 intersection too because you have the recycling place
16 there and that's there the trucks are coming in at.

17 VICE-CHAIRMAN COOPER: I think it's a
18 positive for that neighborhood.

19 MR. SHEEKEY: Thank you.

20 MR. EINGORN: Any other comments; a
21 motion?

22 REVEREND MARTINEZ: Motion to pass.

23 MR. EINGORN: Do we have a second?

24 MS. ALSTON: Second.

25 MR. EINGORN: Roll-call vote.

1 MR. EINGORN: I'll take a roll-call vote.
2 Chairman Hance.

3 CHAIRMAN HANCE: Yes.

4 MR. EINGORN: Vice-Chairman Cooper.

5 VICE-CHAIRMAN COOPER: Yes.

6 MR. EINGORN: Reverend Martinez.

7 REVEREND MARTINEZ: Yes.

8 MR. EINGORN: Ms. Alston.

9 MS. ALSTON: Yes.

10 MR. EINGORN: And Mr. Brito Bueno.

11 MR. BRITO BUENO: Yes.

12 MR. EINGORN: Having five in favor and
13 none opposed, the motion passes.

14 While we're on this application, the
15 applicant is in a little bit of a rush and provided
16 the Resolution. I asked them to draft it. Counsel
17 was nice enough to do that. Since we're doing this
18 application, do you want to adopt the Resolution
19 while we're here?

20 THE BOARD: Yes.

21 MR. EINGORN: Okay. Great. So I need a
22 motion and a second on adoption of the Resolution.

23 VICE-CHAIRMAN COOPER: Motion to accept.

24 REVEREND MARTINEZ: Second.

25 MR. EINGORN: I'll take a roll-call vote.

1 Chairman Hance.

2 CHAIRMAN HANCE: Yes.

3 MR. EINGORN: Vice-Chairman Cooper.

4 VICE-CHAIRMAN COOPER: Yes.

5 MR. EINGORN: Reverend Martinez.

6 REVEREND MARTINEZ: Yes.

7 MR. EINGORN: Ms. Alston.

8 MS. ALSTON: Yes.

9 MR. EINGORN: Mr. Brito Bueno.

10 MR. BRITO BUENO: Yes.

11 MR. EINGORN: Five in favor and none
12 opposed, the Resolution has been adopted. Thank you
13 Counsel for doing that.

14 MR. SANDO: Thank you.

15 MR. EINGORN: Anybody appear for 1060
16 Bergen Avenue, LLC? No.

17 The next matter is Hezekiah & Rosita
18 Adedoyin, 549 Pfeiffer Street. Please come up.

19 MS. JOHNSON: This is Hezekiah Adedoyin.
20 And this is Rosita Adedoyin. My name is Mary
21 Johnson. I'm their realtor and their niece.

22 MR. EINGORN: Great. So please raise
23 your right hand, please.

24 - - -

25 MARY JOHNSON; HEZEKIAH ADEDOYIN; ROSITA

1 ADEDOYIN, having first been duly sworn/affirmed, was
2 examined and testified as follows:

3 - - -

4 MR. EINGORN: And I'll need names and
5 addresses for the record, please.

6 MS. JOHNSON: Mary Johnson, 31 Sandstone
7 Drive, Sicklerville, New Jersey 08081.

8 MS. ADEDOYIN: Rosita Adedoyin, 4516
9 Ehemiah Way, Philadelphia, PA 19139.

10 MR. ADEDOYIN: Hezekiah Adedoyin. I live
11 at the same address.

12 MR. EINGORN: So they're looking for a
13 nonconforming use of a duplex I see. Why don't you
14 tell us a little bit about what's going on.

15 MS. JOHNSON: So when we went, we were
16 under contract to sell the property. I originally
17 sold it to them many moons ago. And the zoning
18 office told -- well, they denied the zoning approval
19 because they said that it was zoned as a
20 single-family. However, when you look at all of the
21 property records, everything there states two units.
22 It states two bedrooms. In the total property, two
23 bedrooms, two bathrooms, two living rooms. You'll
24 notice that in the property record.

25 However, there is one little spot on the

1 property record which is at -- should be towards the
2 back of your pamphlet where it says property record
3 and appraisal card. And if you look at the top
4 lefthand corner, that two that's next to apartment,
5 looks like a one. And they said that's why, part of
6 the reason why it was -- well, the woman who was the
7 representative there was thinking that could be why.
8 We went to the tax office. They said that all of
9 their records dating from the beginning of the
10 property was that of a duplex. You know how there
11 are some properties that look like converted
12 duplexes? This was clearly built as one.

13 VICE-CHAIRMAN COOPER: Can you show me
14 that paper?

15 MS. JOHNSON: You should have a packet
16 with pictures.

17 MR. EINGORN: So for the record, there's
18 a packet that looks like this --

19 MS. JOHNSON: Yes.

20 MR. EINGORN: -- box of content --

21 MS. JOHNSON: Yes.

22 MR. EINGORN: -- numbers 1 through 14
23 with corresponding documentation.

24 MS. JOHNSON: At the very top it says,
25 property record and appraisal card.

1 into something else --

2 MS. JOHNSON: Awesome.

3 MR. EINGORN: -- then you'll lose that
4 use but, obviously, the certificate will carry
5 forward.

6 MS. JOHNSON: Thank you.

7 MR. EINGORN: The Board is taking a
8 second, for the record, to review the information in
9 the packet. In the interim, if you have questions
10 for the applicant, it does appear like the records
11 reflect -- confirm the testimony that's being
12 provided.

13 CHAIRMAN HANCE: I used to live in that
14 area. I used to live on Boyd Street, 348. So I'm
15 very familiar with Peiffer and Randolph. They've
16 always been duplexes. I was there as a young man and
17 I spent a lot of time right here in East Camden. So
18 I have no quarrels with this. It says second and
19 first floor on the paperwork.

20 VICE-CHAIRMAN COOPER: I have one
21 question. It looks like you got three electrical
22 meters in the basement? Can you explain that.

23 MR. ADEDOYIN: One is for the house to
24 provide electricity for the landings. Where you
25 enter there's a light upstairs and all those lights

1 up and controlled by the third meter. It's for the
2 owner of the home to pay for that separately.

3 VICE-CHAIRMAN HANCE: Okay.

4 MR. EINGORN: So a common area.

5 VICE-CHAIRMAN COOPER: Thank you.

6 MR. EINGORN: Any other questions?

7 VICE-CHAIRMAN COOPER: No.

8 MR. EINGORN: We'll open to the public.
9 Anybody in the public here tonight in favor or
10 against the application for a Certificate of
11 Nonconforming Use at the property at 549 Pfeiffer
12 Street? Hearing none, we'll close the public
13 portion. Now is the time for the Board to, I guess,
14 put on the record their reasons and make a motion
15 again.

16 This is an application for a Certificate
17 of Nonconforming Use, meaning, they're asking the
18 Board to confirm that this use predated the Zoning
19 Ordinance and can continue in affect now that the
20 Ordinance does not allow a duplex in this location.

21 VICE-CHAIRMAN COOPER: Going over the
22 pictures, they have two meters, two hot water, two
23 heating units --

24 CHAIRMAN HANCE: Two gas meters.

25 MR. BRITO BUENO: Two boilers.

1 VICE-CHAIRMAN COOPER: It has been
2 duplex.

3 MR. EINGORN: It looks to be.
4 Do we have a motion?

5 VICE-CHAIRMAN COOPER: Motion.

6 MR. EINGORN: Motion to grant?

7 VICE-CHAIRMAN COOPER: Yes.

8 MR. BRITO BUENO: Second.

9 MR. EINGORN: I'll take a roll-call vote.
10 Chairman Hance.

11 CHAIRMAN HANCE: Yes.

12 MR. EINGORN: Vice-Chairman Cooper.

13 VICE-CHAIRMAN COOPER: Yes.

14 MR. EINGORN: Reverend Martinez.

15 REVEREND MARTINEZ: Yes.

16 MR. EINGORN: Ms. Alston.

17 MS. ALSTON: Yes.

18 MR. EINGORN: Mr. Brito Bueno.

19 MR. BRITO BUENO: Yes.

20 MR. EINGORN: All in favor, the motion
21 passes. Congratulations. Have a nice night.

22 MS. JOHNSON: Thank you. May I ask one
23 more thing, sir?

24 MR. EINGORN: Yes. Sure.

25 MS. JOHNSON: Could you tell me how long

1 it will take? Because we were actually suppose to go
2 to settlement back in January.

3 MR. EINGORN: We weren't asked to do
4 anything in advance so May 1st is when, assuming
5 there's a Board meeting, we'll adopt the Resolution.

6 MS. JOHNSON: Got you. Thank you.

7 MR. EINGORN: But you can -- the Board
8 has acted so the buyer -- you can tell the buyer that
9 your application was granted.

10 MS. JOHNSON: Thank you very much.

11 MR. EINGORN: The next matter, As
12 Promised Holdings, LLC, 1600 Carman Street.

13 MR. PAYTON: Good afternoon.

14 MR. EINGORN: Good evening.

15 MR. PAYTON: Good evening. I would like
16 to -- there's been a bit of miscommunication between
17 counsel, myself and the city planner. We were
18 waiting on a letter on comments to the site plan from
19 Dr. Williams. We have not received that yet. So I
20 was under the impression that we were not on for this
21 evening.

22 MR. EINGORN: Oh okay.

23 MR. PAYTON: So everybody -- all of the
24 engineers, Pennoni and the lawyer, all thought that
25 we were off until May.

1 MR. EINGORN: Okay. So they sent you on
2 your own?

3 MR. PAYTON: I've not been through this
4 process a lot. I just showed up to familiarize
5 myself. My name is Tony Payton, Jr. I'm with
6 As Promised. I'm the chief operating officer.
7 I just wanted to introduce myself and say hello. Do
8 you guys -- was the packet transmitted? Do you not
9 have the packet?

10 MR. EINGORN: We have some materials here
11 as you can see, including these exhibits here which
12 I'm assuming there's some kind of Powerpoint
13 presentation?

14 MR. PAYTON: Yes.

15 MR. EINGORN: We can -- notice was proper
16 for tonight so we can grant you an adjournment to May
17 1st. That's not a problem. It was nice to meet you.

18 MR. PAYTON: Pleasure to meet you all.

19 MR. EINGORN: For the public, if anybody
20 is here tonight for 1600 Carmen Street, you received
21 notice for As Promised Holdings, please note that the
22 applicant has requested and has been granted an
23 adjournment for the May 1st meeting. There will be
24 no further publication for this matter whether by
25 certified mail, personal mail or publication. And

1 we'll see you on May 1st, sir.

2 MR. EINGORN: The next matter is
3 Maria A. Peralta Henriquez, 1714 S. 10th Street.
4 Mr. Izzo.

5 MR. IZZO: Charles Izzo on behalf of
6 Maria A. Peralta Henriquez. So we have Maria
7 Peralta. She's a spanish-speaking person. Her
8 friend is going to try to help her out.

9 MR. EINGORN: Okay. So we have a
10 translator. So let's start with Ms. Translator.
11 Raise your right hand, please.

12 Do you swear or affirm that the
13 translation you will provide tonight for the Zoning
14 Board, will be true and accurate to the best of your
15 abilities and knowledge?

16 MS. FERNANDEZ: Yes.

17 MR. EINGORN: Can you state your name and
18 address, please.

19 MS. FERNANDEZ: Rosie Fernandez, 5027
20 Arch Street, Philadelphia, PA 19139.

21 MR. EINGORN: Rosie, I'm going to have to
22 ask you to speak louder. Everybody needs to hear
23 you. It's your time to shine tonight.

24 MS. FERNANDEZ: All right.

25 MR. EINGORN: Now, I'm going to ask you

1 to translate everything back and forth so that
2 everything comes from me to you, from you to the
3 applicant and the applicant to you, from you to me.
4 Okay?

5 MS. FERNANDEZ: Yes.

6 MR. EINGORN: That's your job tonight.
7 I'm going to ask the applicant, will you please raise
8 your right hand.

9 - - -

10 MARIA A. PERALTA HENRIQUEZ, having first
11 been duly sworn, was examined and testified as
12 follows:

13 - - -

14 MR. IZZO: Charles Izzo appearing as
15 attorney for the applicant.

16 We have a nonconforming use application.
17 And it's about a typical Camden-type convenience
18 store at South 10th Street. The address exactly is
19 1714 South 10th. And at that location, this lady
20 owns and operates the 10th Food Market which she was
21 kind enough to print some pictures of a typical
22 freestanding, one-building food market with a lighted
23 awning sign over the front door. The pictures she
24 brought also shows that she has handicapped ramp
25 access on the side of the building. And she brought

1 interior pictures that shows that it's a very orderly
2 and clean establishment that she operates on 10th
3 Street.

4 MR. EINGORN: Mr. Izzo, we don't have the
5 interior pictures. Do you mind sharing those? Do
6 you mind passing those on?

7 MR. IZZO: Okay.

8 MR. EINGORN: Sorry to interrupt.

9 MR. IZZO: She's here because the zoning
10 officer noted that the awning sign exceeds the Camden
11 Ordinance square footage allowed for a sign. And
12 also, that there's no -- that's it's a nonconforming
13 use; that the use, although long-established and
14 presently operating and operating for years, has
15 apparently no record of a variance at that location.

16 So she's here to make her business
17 compliant with the Camden City code. Also, of
18 course, to get a permit to continue to display that
19 sign that lights up the front of her building there.

20 VICE-CHAIRMAN COOPER: Can I ask a
21 question? It was a sign on this building before,
22 correct?

23 MS. HENRIQUEZ: It's been always the same
24 one.

25 VICE-CHAIRMAN COOPER: The sign has been

1 up there.

2 MR. IZZO: In connection with getting the
3 use blessed as a nonconforming use, the zoning
4 officer also properly noted that the sign, although
5 already in place, exceeds the square footage of the
6 Ordinance, yeah. So she's here for both.

7 REVEREND MARTINEZ: For how long has been
8 that sign in there?

9 MS. HENRIQUEZ: According to the old
10 owners, because I've been there for a little bit of
11 time. It's been there for a long, long time.

12 REVEREND MARTINEZ: My question is, when
13 she purchased the property, it was there?

14 MS. HENRIQUEZ: Yes.

15 REVEREND MARTINEZ: And you bought it
16 just as it is?

17 MS. HENRIQUEZ: Yes. She hasn't changed
18 the sign.

19 VICE-CHAIRMAN COOPER: She didn't put the
20 new one up.

21 MR. BRITO BUENO: Because the picture we
22 have says 10th Street.

23 VICE-CHAIRMAN COOPER: Yeah, that's what
24 it says.

25 MR. EINGORN: Is that what triggered this

1 application? Are you replacing the sign?

2 MR. IZZO: No. The application is to
3 permit the sign, although it's been there before my
4 client bought the building.

5 CHAIRMAN HANCE: How long has she owned
6 the building?

7 MS. HENRIQUEZ: I own the store, not the
8 building.

9 CHAIRMAN HANCE: How long has she owned
10 the store?

11 MS. HENRIQUEZ: Five months.

12 CHAIRMAN HANCE: Five months?

13 MS. HENRIQUEZ: Yes.

14 REVEREND MARTINEZ: A question. So you
15 own the store, not the property?

16 MS. HENRIQUEZ: Correct.

17 REVEREND MARTINEZ: So you lease that?

18 MS. HENRIQUEZ: I'm leasing the property,
19 yes.

20 MR. EINGORN: So I'm looking at the
21 application. This is Roman Numeral 3. It says
22 sign. It says, type sign. And they circled,
23 awning. Is there an intention to attach an awning to
24 this building?

25 MR. IZZO: It's the awning that's

1 attached presently.

2 MR. EINGORN: Because it says, two signs
3 are proposed. I'm trying to figure out what
4 triggered this application; why we're here and what's
5 going on.

6 MS. HENRIQUEZ: I'm planning to have
7 another sign but I can only do it after I get the
8 approval. We're basically just changing like the
9 fabric of the sign. It's going to be like the same
10 size but it's going to be changed, the name and the
11 fabric of sign.

12 MR. BRITO BUENO: I have a question. So
13 you're basically relabeling the sign?

14 MS. HENRIQUEZ: Right.

15 MR. EINGORN: The applications says two
16 signs are proposed. Is the applicant going to add an
17 additional sign?

18 MS. HENRIQUEZ: So we're basically just
19 changing the fabric to change the name but the size
20 is going -- the sign is going to be the same.

21 MR. EINGORN: Okay. And then the window
22 sign, is that changing also or was that not approved
23 previously?

24 MS. HENRIQUEZ: The window is remaining
25 the same. It's just the one with the name on the

1 top.

2 MR. EINGORN: So the window sign probably
3 wasn't approved either and they're probably are
4 asking for approval for the window sign also.

5 MR. BRITO BUENO: No. They're talking
6 about wrapping the window. It's no really sign.

7 MR. EINGORN: But it's effectively a
8 sign. You could paint the side of the wall and it
9 still would still be a sign, right?

10 MR. BRITO BUENO: Oh, okay.

11 VICE-CHAIRMAN COOPER: Both of these
12 signs have been up there.

13 MR. EINGORN: Right. But she's going
14 to --

15 VICE-CHAIRMAN COOPER: I know she's going
16 to change it.

17 MR. EINGORN: So I'm assuming what
18 happened was, she came in with the sign application
19 to change out the sign. That's what triggered the
20 request for a nonconforming use. So it was a sign
21 variance and then they needed a certificate of
22 nonconforming use as well.

23 MR. IZZO: I believe that is our
24 application summed up exactly.

25 MS. ALSTON: If they're going to change

1 the sign, why not get it to the correct size that is
2 allowed? She's going to change the awning and the
3 fabric and the sign being changed. Have they already
4 premeasured it or is it already completed? Is it
5 already -- like did they go out and do it already?

6 MS. HENRIQUEZ: I thought the size could
7 stay the same after the approval because basically
8 changing the fabric is cheaper than changing the
9 whole frame. So we were just going to change the
10 fabric and the name of the store since we're new
11 owners.

12 REVEREND MARTINEZ: So what you're trying
13 to say is, you're going to go through whatever the
14 size of the sign will be now, so you won't have this
15 problem, right? Because you can't have the same size
16 because it was denied, the application because the
17 sign exceeds the size? No?

18 MS. HENRIQUEZ: If I have to change, I
19 will change it. I'm willing to and just let me know
20 what the size of the sign has to be.

21 CHAIRMAN HANCE: It's been there forever.
22 It's sad to that. I work in that neighborhood. I
23 work there. We're building new houses there right
24 now on Lowell Street. And our shared apartment sits
25 on Jackson and Lowell. That store has been there

1 forever. There's a church down from the store. I
2 don't see anything wrong with changing just the name.
3 This has been there since I was a kid.

4 MR. IZZO: There's apparently a steel
5 frame underneath the fabric that would remain.

6 MS. ALSTON: I think she's willing to
7 change and just didn't know that there was a specific
8 size that needed to be done. So it's not that she
9 doesn't want to make it the size, she just didn't
10 know. In my eyes if she's willing to do it, why not
11 make it the size it's suppose to be.

12 MR. EINGORN: The issue is that the
13 ordinance provides for a certain size sign and this
14 would be the opportunity to have the applicant comply
15 with the size requirements. Now, the issue may be
16 and I don't know what the size sign requirement is in
17 an R-2 Zone District. It may not be large enough to
18 identify the store. Right? And because of the
19 nature of the building, reducing the size of the sign
20 may, one, lessen the visual impact and make it harder
21 to identify as a store. Two, I'm assuming this
22 awning also provides some protection from the rain.

23 MR. BRITO BUENO: Protection from the
24 elements.

25 MS. ALSTON: I think she's planning to

1 keep the awning and just make it a different color.

2 MR. EINGORN: Yes. She's just swapping
3 out the fabric.

4 CHAIRMAN HANCE: My question to you.
5 Wouldn't she have to, since she's leasing the store,
6 would she have to ask the owner if she can change
7 that? You would have to get permission from the
8 owner.

9 MR. EINGORN: The applicant has to have
10 permission from the owner to bring the application.
11 So as part of her application, there should have been
12 a document providing. And it looks like if you
13 review the packet that's provided, the applicant
14 provided the commercial lease agreement with her
15 landord. So by virtue of her lease --

16 CHAIRMAN HANCE: She's allowed to make
17 changes?

18 REVEREND MARTINEZ: Kyle, if we approve
19 the application just the way it is, just changing,
20 would that be considered of the license people would
21 go to her and say, well, no, you have to change the
22 size of the sign. So what would happen if you vote
23 to leave it just the way it is, change the name, and
24 then the inspector would come and say, well, no, no,
25 you can't have it like that. If we vote yes, would

1 that just stay the way we vote?

2 MR. EINGORN: Well, you can grant the
3 sign variance on the condition that --

4 VICE-CHAIRMAN COOPER: Site plan
5 approval.

6 MR. EINGORN: No, no. On the condition
7 that she just swaps out the fabric and maintains the
8 preexisting frame. Right?

9 MR. BRITO BUENO: Right.

10 MR. EINGORN: So then she would get her
11 approval but on the basis that the frame has to
12 stay. She's just swapping the fabric. And if she
13 wants to replace the entire thing then she has to
14 come back.

15 MR. BRITO BUENO: Right.

16 MR. EINGORN: But I think the concern is
17 that there will be some kind of major change to the
18 sign and then it will conform to the Ordinance and we
19 won't have a chance to look at it. Is that the
20 concern?

21 MR. BRITO BUENO: Yes.

22 CHAIRMAN HANCE: So we can make an
23 addition that she just swap out the material of the
24 sign.

25 VICE-CHAIRMAN COOPER: I make a motion.

1 MR. EINGORN: Wait. We can't make a
2 motion.

3 VICE-CHAIRMAN COOPER: I'm just saying
4 that the sign --

5 MR. EINGORN: Yes you can make a
6 motion --

7 VICE-CHAIRMAN COOPER: That the sign has
8 to stay the same.

9 MR. EINGORN: You have to maintain the
10 preexisting frame.

11 VICE-CHAIRMAN COOPER: The measurement
12 has to stay the same.

13 MR. EINGORN: The other issue is the wrap
14 on the window. I'm assuming that's the other sign.

15 MR. BRITO BUENO: Front window.

16 MR. EINGORN: So the application has two
17 signs. It looks like the side of the building has
18 some sort of sign as well. Can you tell us what this
19 sign is?

20 MS. HENRIQUEZ: That's like a sign from
21 the EBT Program.

22 MR. EINGORN: So this is like a
23 billboard?

24 MS. HENRIQUEZ: Right. They are probably
25 asking for information about EBT. It's not from the

1 store. EBT is the program food stamps. So basically
2 that's what it's saying, to buy healthier foods with
3 a EBT card, New Jersey EBT card. It's not really
4 from the store. They probably ask maybe the old
5 owner's permission to put it on the property.

6 VICE-CHAIRMAN COOPER: So you're not
7 doing nothing with that sign?

8 MS. HENRIQUEZ: Yes. That's basically
9 the program but they came in and asked permission to
10 put it up there.

11 MR. EINGORN: So what I'm trying to
12 understand is that the application from November 14
13 says how many signs are proposed and a number 2 is
14 there. So in addition to the awning, what is the
15 second sign that we're requesting permission for?

16 MR. IZZO: We see under the awning in the
17 front window, appears to have a display on it.

18 MS. HENRIQUEZ: So is the window and
19 the --

20 MR. EINGORN: The window and the awning.
21 Okay. Is the window sign changing?

22 MS. HENRIQUEZ: No. Just the name on the
23 top. That's it.

24 MR. EINGORN: What kind of material is on
25 the window?

1 MS. HENRIQUEZ: I don't know exactly the
2 material.

3 MS. FERNANDEZ: But I have a store too.
4 And we have a similar and it's like a plastic
5 with pictures of whatever we're selling inside.

6 MR. EINGORN: Is it taped up? Is it
7 glued on?

8 MS. FERNANDEZ: It comes like pre-glue
9 and you just put it up on the window. They just like
10 measure the size and just put it up like that.

11 MR. EINGORN: So I think what the
12 applicant is pretty much asking is the ability to
13 advertise on the window in addition to the
14 replacement of the cloth sign.

15 CHAIRMAN HANCE: You're not going to
16 change window?

17 MS. HENRIQUEZ: No.

18 CHAIRMAN HANCE: I mean the sign. I'm
19 sorry. You're not going to change the sign?

20 MS. HENRIQUEZ: No.

21 CHAIRMAN HANCE: Because I'm looking at a
22 phone number down there. Would that affect your
23 business? Is that your phone number?

24 MS. HENRIQUEZ: I got the same phone
25 number. I only change the name of the store.

1 CHAIRMAN HANCE: Same number. Okay.

2 MR. EINGORN: That's not like a weekly
3 advertising thing or anything like that?

4 MS. HENRIQUEZ: No. That window, that's
5 just like the same. That would always stay like the
6 same. Unless they change another fixture. It's just
7 like their -- it doesn't change.

8 MS. ALSTON: Just so I'm clear. This up
9 here, the whole entire thing is what's changing?

10 MS. HENRIQUEZ: Correct.

11 MS. ALSTON: And you're to change the
12 color of the top portion of the awning --

13 MS. HENRIQUEZ: Yes.

14 MS. ALSTON: And then this stays? That
15 stays?

16 MS. HENRIQUEZ: Yes.

17 MR. EINGORN: I think we got the idea
18 now.

19 VICE-CHAIRMAN COOPER: I'm good.

20 MR. EINGORN: Why don't we open to the
21 public now that we got what's going on here, and then
22 the Board may comment. So is anybody in the public
23 here tonight in support or against the application of
24 Maria A. Peralta Henriquez for property located at
25 1714 S. 10th Street, the relief requested being a

1 Certificate of Nonconforming Use and then a sign
2 variance, bulk variance for the sign replacement of
3 the awning cover, as well as the advertising on the
4 window? Is anybody here for this? Hearing none,
5 we'll close the public portion.

6 Now is the time for the Board to ask any
7 last questions, to discuss the signs, the Positive
8 and Negative Criteria needed for the bulk variance.
9 It seems to me that the nonconforming use isn't that
10 big of an issue here. It's really the sign issue but
11 I could be corrected if I'm wrong.

12 CHAIRMAN HANCE: So let us all be on the
13 same page. So you're just going to change the cover
14 to your name?

15 MS. HENRIQUEZ: Yes.

16 CHAIRMAN HANCE: It's the same phone
17 number?

18 MS. HENRIQUEZ: Yes. Same phone number;
19 same --

20 CHAIRMAN HANCE: And the window sign
21 stays the same?

22 MS. HENRIQUEZ: Yes.

23 CHAIRMAN HANCE: You're not going to
24 change it?

25 MS. HENRIQUEZ: No.

1 REVEREND MARTINEZ: I mean, if the sign
2 is going to stay the way it is, I don't have a
3 problem with it. Not that our City has that many
4 stores. I'm good with it.

5 VICE-CHAIRMAN COOPER: I am. Being in
6 the area often and the sign has been there for a
7 while. So there's no need for you to have to take
8 the whole thing down just to put up another sign.

9 MS. HENRIQUEZ: I had a confusion because
10 I thought that I wasn't in compliance because I
11 thought the area was residential -- changed to
12 residential and wasn't commercial for me so I thought
13 that was a big issue.

14 MR. EINGORN: So that's the Certificate
15 of Nonconforming Use I just referenced. The
16 applicant was coming here to say, this was commercial
17 prior to the Zoning Code and can we please have
18 something that confirms the use. I don't think
19 that's the big issue for the Board. I think they
20 were more concerned about what's going on with the
21 sign right now. But if there's additional questions
22 about the use, feel free to ask them.

23 CHAIRMAN HANCE: The use has been there
24 for -- the use has been there for over 20 years or
25 more.

1 MS. HENRIQUEZ: More. Over sixty years.

2 CHAIRMAN HANCE: That's not the issue.

3 It's just the sign that we're dealing with.

4 MS. HENRIQUEZ: Thank you.

5 CHAIRMAN HANCE: Anyone else?

6 So I make a motion with conditions.

7 MR. EINGORN: Okay.

8 CHAIRMAN HANCE: That the sign up top,
9 the cover is going to change with your store name on
10 there. Not the frame. Not the bottom window. But
11 just the cover of the top sign.

12 MS. HENRIQUEZ: Correct.

13 VICE-CHAIRMAN COOPER: I second.

14 MR. EINGORN: So we have a motion to
15 grant the application for Certificate of
16 Nonconforming Use, as well as a bulk variance for the
17 sign with the condition that the applicant only
18 changes the cover on the awning and does not change
19 the window sign. And we had a second:

20 MR. EINGORN: I'll take a roll-call vote.
21 Chairman Hance.

22 CHAIRMAN HANCE: Yes.

23 MR. EINGORN: Vice-Chairman Cooper.

24 VICE-CHAIRMAN COOPER: Yes.

25 MR. EINGORN: Reverend Martinez.

1 REVEREND MARTINEZ: Yes.

2 MR. EINGORN: Ms. Alston.

3 MS. ALSTON: Yes.

4 MR. EINGORN: Mr. Brito Bueno.

5 MR. BRITO BUENO: Yes.

6 MR. EINGORN: Having five in favor and
7 none opposed, the motion passes and the application
8 is granted with conditions.

9 MR. EINGORN: Congratulations. Good luck
10 with your store. It looks like Mr. Izzo has the next
11 matter as well.

12 The next matter is Emelyn Peralta,
13 1315 S. 10th Street. Change of use; site plan
14 approval is needed; proposes a duplex.

15 MR. IZZO: Again, we have Ms. Emelyn
16 Peralta. She is the applicant and also a
17 Spanish-speaking citizen. And we have her
18 associate-friend here to help her through the
19 process.

20 MR. EINGORN: Great. Ms. Interpreter, if
21 you can raise your right hand.

22 You swear/affirm that the translation
23 you'll provide tonight will be true and accurate to
24 the best of you knowledge and abilities?

25 MS. NUNEZ: Yes.

1 MR. EINGORN: Can you state your name and
2 address?

3 MS. NUNEZ: Isabel Nunez, 316 Boyd
4 Street, Camden, New Jersey.

5 MR. EINGORN: I'm going to ask the
6 applicant, please raise your right hand.

7 - - -

8 EMELYN PERALTA, having first been duly
9 sworn, was examined and testified as follows:

10 - - -

11 MR. EINGORN: And your name and address
12 for the record, please.

13 MS. PERALTA: Emelyn Peralta, 5522
14 Wisteria Avenue, Pennsauken, NJ 08101.

15 MR. IZZO: This is not a commercial
16 application. This is a residential property in the
17 R-2 Zone District. And the applicant has acquired
18 the property and proposes to use it as a duplex
19 residence. And she has gone as far as to have plans
20 prepared and she's prepared to execute these plans by
21 building out the property. And we note that the use
22 is apparently legal in the R-2 Zone, a duplex use.

23 However, since she has changing the
24 nature of the property, the zoning officer noted that
25 a site plan approval would be required. And our

1 response in addition to making her application, was
2 to ask the Board to consider waiving the site plan
3 requirement because of the small size of the
4 property, 16 by 95 feet, and because the building is
5 already there. She's not altering the structure on
6 the building. She's merely proposing interior
7 renovations. And the renovations that are displayed
8 on her plans are for two 2-bedroom apartments. One
9 on the lower level and one on the second level.

10 MR. EINGORN: Anything else to add?

11 MS. NUNEZ: Did you want her to add
12 anything else?

13 MR. IZZO: Yes.

14 MR. EINGORN: Whatever you want to tell
15 us that you think would help.

16 MS. PERALTA: So it's my understanding
17 that the property was abandoned; totally destroyed
18 inside. It was all trash in the outside of the
19 property. So in that area it was the only property
20 that's in that condition like deteriorated. Of
21 course, it is going to be an investment property.

22 But I also want to beautify the rest of
23 the area of the neighborhood because it's the only
24 property that's destroyed. So what I'm proposing,
25 that the sign that I'm proposing is, it's a living

1 property for someone to have a home. And I
2 understand that it's the proper way to do it, to
3 propose something that's going to beautify the area
4 and provide someone a home. That's it.

5 CHAIRMAN HANCE: My question is, do you
6 have pictures of the house the way it is right now?

7 MS. PERALTA: I have pictures on my
8 phone. I didn't know I had to bring pictures.

9 MR. EINGORN: We can't accept pictures on
10 the phone because they need to be part of the record.
11 Just before we ask for pictures here, this is from
12 our Zoning Ordinance. This is 870-42 regarding
13 waiver of site plan and subdivision standards.
14 I'm going to forego the first sentence and a half
15 because it's not really relevant.

16 It says, "If the applicant can clearly
17 demonstrate that because of peculiar conditions
18 pertaining to his land, the literal enforcement of
19 this Ordinance is impractical or exact hardship, the
20 Planning Board or in this case, the Zoning Board, may
21 permit such exemptions and waivers as may be
22 reasonable within the general purpose and intent of
23 the rules, regulations and standards established by
24 this Ordinance.

25 The Planning Board or in this case, the

1 Zoning Board, may waive the requirements for site
2 plan approval, or there is a change in use or
3 occupancy and no extensive construction or
4 improvements or De Minimus construction or
5 improvements are sought. The waiver may be granted
6 only upon a Resolution of the Board's finding that
7 the use will not affect the existing drainage,
8 circulation, relationships to the buildings to each
9 other, landscaping, buffering -- buffering means like
10 fences and trees and stuff that protect the
11 properties from each other -- lighting and other
12 considerations of site plan approval. And that the
13 existing facilities do not require upgraded or
14 additional site improvements."

15 So the testimony was, I believe, they're
16 not changing anything except for interior
17 improvements. So that's the testimony that you would
18 consider as part of your discussion and your
19 consideration for the site plan waiver under the
20 Ordinance. And that was a lot. So I apologize for
21 getting it all in there but maybe it's helpful for
22 the applicant and for the Board.

23 Mr. Izzo, your letter of December 20th
24 says, has included the fee for an interpretation.
25 Are you requesting an interpretation also or just the

1 site plan?

2 MR. IZZO: No. A site plan waiver.

3 MR. EINGORN: Okay. So there's no
4 interpretation.

5 MR. IZZO: I think that money was
6 returned to me actually.

7 MR. EINGORN: Okay.

8 CHAIRMAN HANCE: So did you explain to
9 her what you heard about the site plan?

10 MS. NUNEZ: Yes. I was kind of
11 explaining a little bit how he was reading it.

12 MR. EINGORN: Sorry. I read it kind of
13 fast. It wasn't east to interpret.

14 MS. NUNEZ: It was good information.

15 MR. EINGORN: Now, the Board is going to
16 ask you for pictures because we haven't seen the
17 outside of the property to know what the changes or
18 what it's not going to be changed or the ability to
19 determine the buffering, the landscaping, these types
20 of things.

21 For your own protection, for the Board's
22 protection, I think in this situation, it's probably
23 necessary that we at least see the outside of the
24 property, the front, the side, the back. Just a
25 little bit of something so the Board can make the

1 determination necessary that there is a site plan
2 needed. And I hate to bring you back but I agree
3 with Chairman Hance here.

4 MS. PERALTA: I wasn't aware that I had
5 to bring pictures. Or like this. Oh, pictures like
6 that.

7 MS. NUNEZ: We were kind of observing
8 what was happening before us and we're like, maybe --

9 CHAIRMAN HANCE: And it also gives you a
10 chance to digest what was just read. You may want
11 to come back with a little bit more. While I got you
12 here, did she start the work already?

13 MS. PERALTA: I tried to clean the back
14 of the property; like kind of taking out the trash
15 and stuff like that; removing the debris that was
16 there. I have pictures of how it looked before I
17 cleaned the trash.

18 VICE-CHAIRMAN COOPER: Bring it all in.

19 MR. EINGORN: May 1st. No further notice
20 is necessary. So if you're here for the application
21 of Emelyn Peralta, 1315 S. 10th Street, there will be
22 no further notice. It will be adjourned to May 1,
23 2023. The applicant to provide pictures.

24 MR. IZZO: Thank you.

25 MS. PERALTA: Thank you.

1 MS. NUNEZ: Thank you.

2 MR. EINGORN: Have a nice night.

3 The next application, Michael McFarlane,
4 509 Randolph Street. Are you Mr. McFarlane?

5 MR. MCFARLANE: Yes, sir.

6 MR. EINGORN: Very good. Will you raise
7 your right hand?

8 - - -

9 MICHAEL MCFARLANE, having first been duly
10 sworn/affirmed, was examined and testified as
11 follows:

12 - - -

13 MR. EINGORN: Can you give your name and
14 address, please.

15 MR. MCFARLANE: My name is Michael
16 McFarlane at 509 Randolph Street.

17 MR. EINGORN: Tell us a little bit about
18 what you want to do and what you're requesting?

19 MR. MCFARLANE: It's two things that I
20 want to do was change the three-bedroom to a
21 two-bedroom. And also a deck that was on the back.
22 And for two reasons is that for water purposes, flood
23 purposes which is try to stop the flooding in the
24 back of the area. And also my house was on fire.
25 So I'm kind of like changing things in the midst of

1 rehabbing.

2 MR. EINGORN: I got a little idea here.
3 So you're the owner of the property at 509 Randolph
4 Street?

5 MR. MCFARLANE: Yes.

6 MR. EINGORN: And you had a fire?

7 MR. MCFARLANE: Yes.

8 MR. EINGORN: And you're trying to rehab
9 it?

10 MR. MCFARLANE: Yes.

11 MR. EINGORN: Great. And it's currently
12 a 3-bedroom house?

13 MR. MCFARLANE: Yes.

14 MR. EINGORN: And you'd like to make it a
15 2-bedroom house.

16 MR. MCFARLANE: Yes.

17 MR. EINGORN: What's wrong with the deck
18 right now?

19 MR. MCFARLANE: There's nothing wrong
20 The deck is beautiful.

21 MR. EINGORN: Here is why I'm asking. It
22 looks like a nice deck. Did you build the deck
23 without a permit? Is that what it is? Or is this a
24 preexisting deck?

25 MR. MCFARLANE: Yes -- no. I built it

1 because, you know, the house had burned down so I was
2 pretty much homeless at the time. And in the
3 rehabbing, it was my train of thought. It's like we
4 have a flood. Ladies and gentlemen, every year the
5 water comes up to like the third or fourth stairs
6 downstairs in the basement. I can go there and swim.
7 After being in there for so long and I really just
8 got tired of it. And I'm like, how am I going to fix
9 it. Because this is the whole neighborhood. This is
10 on Randolph Street. This is what we go through every
11 year.

12 So I was like, okay, the house is burnt
13 down. My mindset is, how am I going to stop this
14 flooding also? So I'm like, build a deck so the
15 water won't come down on me. But also, it's the
16 drainage in the back too which the City actually
17 fixed. It was a drainage that the water would seep
18 but it would come over and everything would flood
19 down to my house. It was just really crazy. Like
20 sometimes it would bypass the other neighbors, but it
21 would float out to my house because it's coming
22 downhill to me.

23 So I'm saying, how am I going to fix
24 this. So I was like, okay, a deck would be great
25 just to stop the water flow coming down. But, also,

1 you know, you see the fence. If you can see in the
2 pictures, a fence is there but the City came and
3 fixed the drainage. That was the thing. They
4 actually built around there so the water can actually
5 go into the drainage. There was a problem like it
6 was bypassing it, going around it but they fixed it
7 and they fixed it. Since the deck was put up, guess
8 what, ladies and gentlemen, no more flooding.

9 MR. EINGORN: Glad you're dry. So tell
10 us a little bit about the rooms.

11 MR. MCFARLANE: So if you've seen the
12 pictures, because my bedroom, it was pretty much the
13 same. So my daughter's room at the time because
14 she's no longer here; she's in Seattle now. So it's
15 just me at the house. It's nobody else.

16 In her bedroom, you can see where the
17 couch is. So that is where the divider of the two
18 bedroom because it was just really a small bedroom;
19 really tiny; minute. And I actually -- before when
20 she went away to college, I kind of made that into a
21 closet, like a closet anyway.

22 When the house caught on fire and it
23 burned the middle piece, I'm like, you know what she
24 said and then my daughter was like -- I said, baby,
25 do you want an open concept; do you want me to just

1 leave it like that or do you still want the middle
2 piece? She said, no, dad, I just want it open and
3 then put the rack of a closet in the back of the room
4 so she can see it. So she just wanted an open
5 concept.

6 MR. EINGORN: So they are adjoining rooms
7 and you're going to remove the wall in between them?

8 MR. MCFARLANE: Yes.

9 MR. EINGORN: Understood.

10 So we heard about the deck and the rooms.
11 Here's what the applicant is requesting officially.
12 A bulk variance for the height of the deck because it
13 exceeds the height of six feet. And then there's
14 the -- the proposed deck may exceed the maximum
15 building coverage of 60 percent so a bulk variance
16 for that. Then No. 3 was, need additional
17 information regarding the rooms which we got.

18 Let's ask about the coverage. I'm
19 looking at the photographs. Does the deck extend
20 past the concrete in the back?

21 MR. MCFARLANE: No, it doesn't. That's
22 why I made sure when I was building it, to be in
23 Ordinance with the City. So I made sure that it
24 wasn't passed that. It's right there at the corner.
25 So even if it flows over on the deck, it'll be

1 flowing over to the fence into the back area. So it
2 goes right into the drainage.

3 MR. EINGORN: And that water would still
4 fall on to your property, correct?

5 MR. MCFARLANE: Yes.

6 MR. EINGORN: But just further from the
7 house?

8 MR. MCFARLANE: Yes.

9 MR. EINGORN: Then I'm looking at this
10 photograph of the deck. There's a man, I believe,
11 who is currently constructing even in the
12 photographs. This gate here, is this the gate that
13 closes here or is this a fence? Can you explain what
14 this is?

15 MR. MCFARLANE: It's a gate that opens
16 and closes. But I'm going to change all of that.
17 The firemen kicked it in. I kind of left it out
18 there cause I didn't want anymore problems from the
19 inspector or whatever. So I'm going to change that
20 and put a 6-foot white gate there.

21 MR. EINGORN: And then this gate is yours
22 that's on the property?

23 MR. MCFARLANE: Yes.

24 MR. EINGORN: It's not part of the
25 neighboring property?

1 MR. MCFARLANE: Right. It's my property.

2 MR. EINGORN: Understood.

3 CHAIRMAN HANCE: My question is, how long
4 has that deck been there, the first deck?

5 MR. MCFARLANE: The first deck?

6 CHAIRMAN HANCE: Yes.

7 MR. MCFARLANE: I built the deck.

8 MR. EINGORN: Did you get a like a Stop
9 Work Order or something?

10 MR. MCFARLANE: Right. Yes.

11 MR. EINGORN: So he built the deck or you
12 hired somebody to build the deck?

13 MR. MCFARLANE: Yes.

14 MR. EINGORN: And they probably didn't
15 ask for a permit?

16 MR. MCFARLANE: Right.

17 MR. EINGORN: And then you got cited and
18 now he's here.

19 CHAIRMAN HANCE: My only concern is, the
20 gentleman building the deck, does he have a business,
21 does he have insurance?

22 MR. MCFARLANE: It's a friend. I was
23 there building with him.

24 MR. EINGORN: He'll have to get an
25 inspection from Code Enforcement and all that. The

1 building inspector will have to go out there and
2 check --

3 VICE-CHAIRMAN COOPER: To see if it's up
4 to code.

5 MR. EINGORN: And if it's not up to code,
6 they'll get him. That's not our job. Our job is
7 about the height and then the maximum building
8 coverage. So how do you access the deck? Does that
9 come off of your bedroom?

10 MR. MCFARLANE: That actually is coming
11 off of the living room. And I put French doors there
12 so it opens up.

13 MR. EINGORN: Those doors didn't exist
14 prior to the deck?

15 MR. MCFARLANE: Right. The fire.

16 CHAIRMAN HANCE: Under your deck, is
17 there a garage that goes or is there a door?

18 MR. MCFARLANE: It's a garage. There's a
19 picture there.

20 CHAIRMAN HANCE: I'm familiar with the
21 area.

22 MR. MCFARLANE: Yes, I got you.

23 CHAIRMAN HANCE: I'm from Boyd Street so
24 I'm familiar with the area.

25 MR. MCFARLANE: Okay.

1 CHAIRMAN HANCE: Are you still using that
2 garage as a garage or storage or?

3 MR. MCFARLANE: Storage much less because
4 I kind of built a little thing so that the water
5 won't go in cause that's where the water was actually
6 going through the garage into the house and that's
7 where the flooding. And I had to cement all the way
8 across and it was just really crazy.

9 CHAIRMAN HANCE: Where the fence is right
10 here, right, you got a neighbor on the other side.

11 MR. MCFARLANE: Yes.

12 CHAIRMAN HANCE: So that water is not
13 interfering with your neighbor on the other side?

14 MR. MCFARLANE: No, it's not.

15 CHAIRMAN HANCE: So there's a drain there
16 you said?

17 MR. MCFARLANE: Yes, it's a drain right
18 here.

19 MR. EINGORN: You'll be able to park your
20 car under this deck?

21 MR. MCFARLANE: No, I'm not.

22 MR. EINGORN: You're not going to?

23 MR. MCFARLANE: No. I might put one back
24 there cause I have a couple of them.

25 MR. EINGORN: This is your driveway,

1 right?

2 MR. MCFARLANE: Yes. I can but right now
3 I'm -- once I fix it up and everything then I will.

4 CHAIRMAN HANCE: Now, you're on Randolph
5 Street.

6 MR. MCFARLANE: Yes.

7 CHAIRMAN HANCE: So Admiral Wilson
8 Boulevard is here. Are you near the liquor store or
9 are you further back?

10 MR. MCFARLANE: I'm right behind the gas
11 station. So the liquor store is right there and the
12 gas station, Luke Oil, is right there. So I'm
13 right -- if you pass --

14 VICE-CHAIRMAN COOPER: And you're at
15 where the trucks are parked at?

16 MR. MCFARLANE: Yes. Exactly?

17 CHAIRMAN HANCE: That area had major
18 flooding problems all the time.

19 MR. MCFARLANE: Oh my.

20 CHAIRMAN HANCE: Admiral Wilson Boulevard
21 would flood and they spent a lot of money to get that
22 fixed.

23 MR. MCFARLANE: Oh, yes. Thank God.

24 CHAIRMAN HANCE: So I know exactly where
25 you'd at.

1 MR. MCFARLANE: Yes.

2 CHAIRMAN HANCE: That's what I needed to
3 know.

4 MR. MCFARLANE: That was the major thing
5 from all the neighbors. I'm trying to tell you
6 guys.

7 VICE-CHAIRMAN COOPER: Mr. Mike, that one
8 picture you're showing here, that's the front of your
9 house or that's the back? That wasn't erected yet or
10 what?

11 MR. MCFARLANE: That's the front of the
12 house.

13 VICE-CHAIRMAN COOPER: Okay. So that's
14 the type of fence you're going to put up in the
15 back --

16 MR. MCFARLANE: Yes, in the back.

17 VICE-CHAIRMAN COOPER: -- so you're
18 showing us?

19 MR. MCFARLANE: Yes.

20 VICE-CHAIRMAN COOPER: That's a 6-foot
21 fence?

22 MR. MCFARLANE: Six foot.

23 MR. EINGORN: You haven't constructed the
24 fence yet, right?

25 MR. MCFARLANE: No, I haven't.

1 MR. EINGORN: I don't think you could do
2 six feet across a frontage.

3 MR. MCFARLANE: I have another fence in
4 front of it so it's inside.

5 MR. EINGORN: We're not here for the
6 fence now.

7 VICE-CHAIRMAN COOPER: I'm just happy
8 that someone is here and not trying to convert a
9 single-family home into a duplex. That's what I'm
10 happy about.

11 MR. MCFARLANE: I just try to modernize
12 it now because since it's all burned down.

13 CHAIRMAN HANCE: How long have you lived
14 there?

15 MR. MCFARLANE: Well, my mother's had it
16 and she passed away. So she just kind of transferred
17 it over to me. So I've been here. I left Baltimore
18 and came up here. I work for the state and I
19 actually was kind of working for you guys doing the
20 grants over in Blackwood.

21 CHAIRMAN HANCE: Anymore questions?

22 MS. ALSTON: Is this the only house on
23 the block with a deck?

24 MR. MCFARLANE: Another neighbor has one
25 up front. Two neighbors have up front. A neighbor

1 all the way down the next block has one in the back.

2 MS. ALSTON: So this is the back?

3 MR. MCFARLANE: Yes. It's just really --
4 when I did this, it was for the flooding. I'm not
5 going to lie about it. I was so sick of it. It
6 would flood and you know it's raining, so all the
7 neighbors know. It's raining and it's raining hard
8 like the hurricane that just came through. And you
9 walk downstairs and you open the door and you see the
10 water coming up. Do you know what I do? I turn back
11 up and go upstairs.

12 MR. EINGORN: Turn up the music?

13 MR. MCFARLANE: Yes, turn up the music.
14 What am I suppose to do? Had enough of this.

15 MR. EINGORN: Any other questions?
16 Anybody in the public here tonight to be heard on 509
17 Randolph Street, request for bulk variances regarding
18 the deck and we obtained the additional information
19 regarding the rooms. Hearing none, we'll close the
20 public portion. Now is the time for the Board to
21 discuss the Positive and Negative Criteria for the
22 granting or denial of the requested bulk variances.

23 CHAIRMAN HANCE: I think it's positive.
24 He had a fire. He's regrouping; he's rebuilding.
25 He's putting a deck up there to make it a little bit

1 more comfortable for him. And the flood is gone.

2 REVEREND MARTINEZ: That's the most
3 important thing about that flood.

4 CHAIRMAN HANCE: So I think it is
5 something positive that he is hanging in there.

6 REVEREND MARTINEZ: Yes, I agree 100
7 percent. Because the last thing you want to see is a
8 flood. It ain't no joke. But, yes, I second it.
9 You got a motion.

10 CHAIRMAN HANCE: Anyone else?

11 MR. EINGORN: Anything for the record?

12 CHAIRMAN HANCE: So I make a motion for a
13 bulk variance.

14 MR. EINGORN: Bulk variances for the
15 height and the maximum building coverage.

16 CHAIRMAN HANCE: For the height and the
17 maximum building coverage.

18 REVEREND MARTINEZ: And I second.

19 MR. EINGORN: I'll take a roll-call vote.
20 Chairman Hance.

21 CHAIRMAN HANCE: Yes.

22 MR. EINGORN: Vice-Chairman Cooper.

23 VICE-CHAIRMAN COOPER: Yes.

24 MR. EINGORN: Reverend Martinez.

25 REVEREND MARTINEZ: Yes.

1 MR. EINGORN: Ms. Alston.

2 MS. ALSTON: Yes.

3 MR. EINGORN: Mr. Brito Bueno.

4 MR. BRITO BUENO: Yes.

5 MR. EINGORN: Having five in favor and
6 none opposed, the motion carries. Congratulations
7 and enjoy your new deck.

8 MR. MCFARLANE: Thank you so much.

9 MR. EINGORN: The next one is Tobi
10 Rosario, 4120 Westfield Avenue. Is he here?

11 MR. ROSARIO: Yes.

12 MR. BRITO BUENO: Are we doing 1929 S.
13 4th Street?

14 MR. EINGORN: The Ronald and Frances
15 Abate application had deficient notice. They won't
16 be heard tonight. Counsel, are you ready?

17 MR. DIDUCH: Yes. Good evening, ladies
18 and gentlemen. My name is Kevin Diduch. I'm the
19 owner and principal attorney for KD Law in
20 Haddonfield, New Jersey. It's a pleasure to see you
21 again.

22 This evening I have the privilege of
23 presenting an application on behalf of Mr. Tobi
24 Rosario. Mr. Rosario is the owner of a property
25 located at 4120 Westfield Avenue in Camden. This

1 property is currently situated as a side-by-side
2 duplex zoned in the C-1 Zone where duplexes are
3 currently permitted. The reason for the application
4 is, tonight we are seeking approval for four bulk
5 variances. The first of which is for lot coverage
6 for an existing structure. Where 3,000 square feet
7 are required; 2,000 square feet exist.

8 The second is a front yard setback
9 variance where ten feet are required, yet four feet
10 are currently available. A side yard setback
11 variance where ten feet are required and five feet
12 are available. As well as a variance for the parking
13 where four spaces are needed. There are no spaces
14 available just given the nature of the community
15 around it. So we are seeking to have approval for
16 off-street parking to satisfy the requirements.
17 We're seeking a variance for that as well.

18 Standing immediately to my right is Mr.
19 Samir Mody from Keller Engineers. If I could ask for
20 him to be sworn in. He has appeared before the Board
21 before but just for the sake of getting that on the
22 record.

23 MR. EINGORN: Mr. Mody, could you raise
24 your right hand?

25 MR. MODY: Yes.

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SAMIR D. MODY, P.E., having first been
duly sworn, was examined and testified as follows:

- - -

MR. EINGORN: State your name and address
for the record.

MR. MODY: Samir Mody. My business
address is 121 Market Street, 2nd floor, Camden, New
Jersey 08102.

MR. EINGORN: Mr. Mody has been accepted
as a professional engineer by this Board in the
past. Does the Board want what they call voir dire
or are they okay accepting Mr. Mody as a professional
engineer?

CHAIRMAN HANCE: We accept.

MR. DIDUCH: Thank you very much.

The applicant has submitted the complete
application. They originally had submitted a permit
request. That permit was denied. The basis of the
application tonight is an appeal from that initial
denial. Mr. Mody has submitted together with his
packet, some supporting documentation which, for
purposes of the record, I believe we can submit as
part of that application Exhibits A through I of the
initial submission.

1 We also do have some blowups here that
2 we'll expound upon the nature of the application. I
3 would ask that Mr. Mody -- well, it's actually up to
4 the Board. If you want to sort of cut-to-the-chase
5 and ask if you have any questions, we can do that.
6 We can go through a more formal round and have
7 Mr. Mody go through the application. It's entirely
8 up to you. We're happy either way.

9 MR. EINGORN: Why don't we start with
10 what's preexisting; what's being proposed.

11 MR. DIDUCH: That's correct. Go ahead,
12 Mr. Mody.

13 MR. MODY: In your packet you should have
14 a number of these graphics. I apologize but my easel
15 was giving me a hard time back there. So this is the
16 tax map. This is where Mr. Rosairo's property is
17 located. On the tax map you can see Mr. Rosairo's
18 property here at 4120 Westfield Avenue, Lot 20.

19 The preexisting condition that we have,
20 the first one and these are the four bulk, C-1 bulk
21 variances that we securing tonight. The first one is
22 the minimum lot area. The required square footage is
23 3,000. The existing is 2,800. This property is a
24 duplex. It has been a duplex for many, many years.
25 He's not doing any structural modification or any

1 retrofit of the property. Basically purchasing it as
2 a duplex.

3 The second requirement is the front yard
4 depth. The required footage is ten and he has four
5 of existing condition. The third is the side yard
6 width. Minimum is ten. He has five. And the fourth
7 is the parking. And when I show you the other
8 graphics there, there is no parking on the property
9 itself. There is a detached garage. The driveway is
10 very, very narrow. And it's not being used as
11 garage. It's just a --

12 CHAIRMAN HANCE: So how many cars can fit
13 there?

14 MR. MODY: Well, the requirement is
15 four. If I get a chance to bring the graphics here.
16 There was suitable street parking in and around 4120
17 Westfield Avenue. You can see, this is Westfield
18 Avenue. Front view of this property, there's parking
19 available on the front. This is a corner view of
20 42nd Street and Westfield Avenue. And right here
21 there's a fire hydrant and there's a no-parking sign
22 there.

23 So this section here, there is no parking
24 available. When you go on the side of the property
25 here which is this view right here, there is some

1 parking toward the back. This is a duplex with two
2 families occupying the property. And along the
3 street frontage between 42nd and Westfield Avenue,
4 there's suitable parking for the patrons that are
5 using the building. This is the garage that I was
6 talking about right here.

7 CHAIRMAN HANCE: Is that being used as a
8 garage right now?

9 MR. MODY: That's something I want to ask
10 Mr. Rosario here.

11 MR. DIDUCH: You have Mr. Rosario here.

12 MR. MODY: Yes, he is here.

13 VICE-CHAIRMAN COOPER: You can use it as
14 a parking spot.

15 MR. EINGORN: Mr. Rosario, please raise
16 your right hand.

17 - - -

18 TOBI ROSARIO, having first been duly
19 sworn/affirmed, was examined and testified as
20 follows:

21 - - -

22 MR. EINGORN: State your name and address
23 for the record.

24 MR. ROSARIO: Tobi Rosario, 4120
25 Westfield Avenue, Pennsauken, New Jersey 08110.

1 MR. DIDUCH: Mr. Rosario, if you could,
2 describe for the Board how you became the owner of
3 this property.

4 MR. ROSARIO: I purchased this property
5 around two years ago, during COVID, but it was
6 occupied. There were tenants in there. And it was
7 zoned duplex when I purchased the property. The tax
8 records show it as a duplex. And I have been trying
9 to get it. Now that I'm trying to sell it, now I got
10 denied the application for the zoning.

11 MR. DIDUCH: And presently there are how
12 many occupants?

13 MR. ROSARIO: Currently right now there's
14 one occupant.

15 CHAIRMAN HANCE: So let's go back to the
16 garage. Are they using it for parking, storage?

17 MR. ROSARIO: Right now it's just empty.

18 CHAIRMAN HANCE: That's not what I asked
19 you. If it wasn't empty, are they using it for
20 parking or storage? Meaning, if that was rented out
21 right now, is it for parking? Is what we're trying
22 to do right now is establish four parking spots.

23 MR. ROSARIO: Yeah, I mean, you can use
24 it for parking but the tenant doesn't use it for
25 parking.

1 MR. EINGORN: That's fine. Whether or
2 not they use it is not the issue. We got to
3 establish how many spots you have on site.

4 MR. DIDUCH: Right.

5 MR. EINGORN: So how many cars can you
6 put in the garage?

7 MR. ROSARIO: You can put one car in
8 there.

9 MR. EINGORN: One car in the garage.

10 CHAIRMAN HANCE: And that is a driveway
11 right there?

12 MR. ROSARIO: Yes. It's like a little
13 ramp that you go to the garage.

14 MR. EINGORN: It's a curb-cub.

15 MR. MODY: The driveway is relatively
16 short. It would be more for a subcompact or a
17 compact car. An oversized car would be sticking out
18 in the street.

19 MR. EINGORN: How deep is the garage?

20 MR. ROSARIO: I don't know the
21 measurements.

22 MR. EINGORN: Can you fit a full-size car
23 in it?

24 MR. ROSARIO: I would say so, yeah.

25 MR. EINGORN: So you could potentially

1 park one car in the garage and a smaller vehicle in
2 the driveway without blocking the sidewalk?

3 MR. ROSARIO: Correct.

4 MR. EINGORN: So you potentially have
5 two-car parking. If I'm looking at the frontage, the
6 picture right in the middle, to the right of it, is
7 that your property as well?

8 MR. ROSARIO: No. This is an empty lot.

9 MR. EINGORN: Just an empty lot.

10 MR. ROSARIO: Yeah.

11 MR. EINGORN: Okay.

12 CHAIRMAN HANCE: That's what I was
13 looking for.

14 MR. DIDUCH: Thank you.

15 MR. MODY: The other graphic that I
16 brought here, a portion of it is in your packet, is
17 just to show the configuration of the floor plan.
18 There were no plans for this property so this was
19 hand-drawn. I believe Mr. Rosario provided this to
20 us. You can see how the access is controlled. You
21 come into the building. This is the front entrance
22 which is the dark-colored brick. You come in. The
23 one-floor unit, the bedrooms, he has three bedrooms,
24 kitchen living room. And the second -- the other
25 unit which is the second-floor unit, you come in and

1 you go up a set of stairs to the second floor. There
2 are three bedrooms in each of the units.

3 CHAIRMAN HANCE: Now, this has been a
4 duplex when you purchased the property?

5 MR. ROSARIO: Correct.

6 CHAIRMAN HANCE: And you said you bought
7 it about 2 years ago?

8 MR. ROSARIO: About two and a half years
9 ago, give or take a few.

10 CHAIRMAN HANCE: Okay. Because right now
11 I'm trying to understand if it's already a duplex and
12 the proposal is a duplex --

13 MR. EINGORN: No. Their use is fine.
14 They're allowed to have a duplex. That's not the
15 issue. The issue is the bulk area requirements.

16 VICE-CHAIRMAN COOPER: The setback and
17 all that.

18 MR. EINGORN: The setbacks are. Let's do
19 this. Let's turn back. Can you grab that big poster
20 with the big picture of the front of the property?
21 Because I think this is going answer a lot of the
22 questions regarding the bulk variance.

23 I'm going to ask you about the house
24 on the right that's partially in view. Do you see
25 it? Look at the middle picture. This picture here.

1 This house here. Is this a side-by-side? It has two
2 units. It's like a townhome. Because I'm looking at
3 the roof of your property and it looks like they
4 torn down what was probably another house right next
5 to it.

6 VICE-CHAIRMAN COOPER: Yes.

7 MR. EINGORN: So this at one point would
8 share a party wall, right?

9 MR. DIDUCH: Like somebody put a saw
10 right through the middle of it.

11 MR. EINGORN: So this probably shared a
12 party wall with another house cause see how -- and
13 I'll show Ms. Alston.

14 MS. ALSTON: No. I understand.

15 MR. EINGORN: The roof goes this way and
16 then --

17 VICE-CHAIRMAN COOPER: Right. It stops.
18 Yeah.

19 MR. EINGORN: So that probably explains a
20 lot of the issues with the bulk requirements, right,
21 because they can't have a setback anymore because
22 there was never a setback on the right side of this
23 property. It was another house.

24 CHAIRMAN HANCE: Right.

25 MR. EINGORN: So that's a big part of

1 their setback requirement there is, they're right up
2 against the property line by virtue of this was
3 constructed now. The person who buys the lot next
4 door is going probably have a heck of time. But
5 that's not your problem. This is what I'm talking
6 about here.

7 MS. ALSTON: I understand.

8 MR. EINGORN: So I think that's one of
9 the issues that made this unique at least. The
10 applicant can testify to it but that seems to create
11 a hardship for his property under the bulk
12 standard.

13 CHAIRMAN HANCE: So you don't want to buy
14 the lot next to your property?

15 MR. ROSARIO: No. I actually tried
16 to. They said it's a ton of taxes. It was like too
17 much.

18 MR. EINGORN: Okay. Just to recap, the
19 lot size the deficient.

20 MR. DIDUCH: That's correct.

21 MR. EINGORN: The front yard is
22 deficient. The side yard setbacks are deficient, and
23 then the off-street parking. So they need four bulk
24 variances. Right? I'm assuming when this house was
25 originally constructed, it probably had different

1 requirements or something of that nature. That
2 garage is probably after the fact. So those are all
3 the considerations. Is there anything else the
4 applicant would like to add before you close your --

5 MR. ROSARIO: Not that I can think of.

6 MR. DIDUCH: No. I believe we're okay.

7 MR. EINGORN: Are there any questions
8 from the Board?

9 CHAIRMAN HANCE: You answered the
10 questions.

11 MR. DIDUCH: We did address and I know
12 this question has come up in similar properties, the
13 electrical and water hookups and the meters and
14 whatnot, they're all intact and present.

15 MR. EINGORN: So at least we have one
16 attorney that can anticipate the questions.

17 MR. DIDUCH: It wasn't that hard.

18 MS. ALSTON: So when you purchased the
19 property, everything was this way?

20 MR. DIDUCH: That's correct.

21 MS. ALSTON: There's nothing really --

22 MR. DIDUCH: That's correct.

23 MS. ALSTON: -- that he could do about
24 it. So this was all pre-existing?

25 MR. DIDUCH: Exactly.

1 MR. EINGORN: Is there anybody here in
2 the public that would like to be heard for or against
3 the application for four bulk variances at 4120
4 Westfield Avenue? Hearing none, we'll close the
5 public portion.

6 Now is the time for the Board to discuss
7 the Positive and Negative Criteria. Potentially the
8 hardship I discussed of the way the house was
9 previously constructed, and to make a motion.

10 REVEREND MARTINEZ: He purchased the
11 house just the way it was; how it is. He wants to
12 sell now. I don't see no reason why we should deny
13 this application.

14 CHAIRMAN HANCE: I'm piggybacking off of
15 my co-partner there. I see hardship. He purchased
16 the house the way it was.

17 MR. DIDUCH: Correct.

18 CHAIRMAN HANCE: He can't change any of
19 this. To me it's definitely a hardship. He has the
20 parking from the garage to the driveway and to the
21 street. We can't do nothing about the setback.

22 REVEREND MARTINEZ: I make a motion to
23 pass.

24 MS. ALSTON: Second.

25 MR. EINGORN: I'll take a roll-call vote.

1 Chairman Hance.

2 CHAIRMAN HANCE: Yes.

3 MR. EINGORN: Vice-Chairman Cooper.

4 VICE-CHAIRMAN COOPER: Yes.

5 MR. EINGORN: Reverend Martinez.

6 REVEREND MARTINEZ: Yes.

7 MR. EINGORN: Ms. Alston.

8 MS. ALSTON: Yes.

9 MR. EINGORN: Mr. Brito Bueno.

10 MR. BRITO BUENO: Yes.

11 MR. EINGORN: Having five in favor and
12 none opposed, the motion carries. Congratulations.

13 MR. DIDUCH: Ladies and gentlemen, thank
14 you very much. We appreciate it.

15 MR. EINGORN: Did anybody show up for
16 1060 Bergen Avenue? No. That's a no appearance.

17 We have Resolutions from February.

18 Denying the Appeal of Omkarnath Prabhu.

19 That was an actual appeal. They're asking for an
20 appeal of Dr. Williams' decision. We denied that.

21 They might be back, right, for variances. They
22 withdrew the application. All right.

23 Granting Use Variance Application for
24 Northgate Preservation. That was the tower.

25 Granting Use Variance for Mt. Ephraim,

1 NJ, LLC. That was the warehouse with the restaurant
2 or store in the front.

3 Use Variance and Bulk Variance granting
4 that for Najwa Khalil. That was the one that
5 Franchesca came in for.

6 Granting Bulk Variance for East Meridian,
7 LLC. That was the duplex.

8 And Granting Use Bulk and Site Plan
9 Waiver for David Porrato. He was the guy who had the
10 little garage and wanted to do detailing and
11 tinting. Let me just double check here. Everybody
12 can vote on these except Ms. Alston who was not
13 present. So do we have a motion to adopt these
14 Resolutions?

15 REVEREND MARTINEZ: Motion to adopt the
16 Resolutions.

17 VICE-CHAIRMAN COOPER: Second.

18 MR. EINGORN: I'll take a roll-call vote.
19 Chairman Hance.

20 CHAIRMAN HANCE: Yes.

21 MR. EINGORN: Vice-Chairman Cooper.

22 VICE-CHAIRMAN COOPER: Yes.

23 MR. EINGORN: Reverend Martinez.

24 REVEREND MARTINEZ: Yes.

25 MR. EINGORN: Mr. Brito Bueno.

1 MR. BRITO BUENO: Yes.

2 MR. EINGORN: All in favor. Motion
3 passes.

4 At this time, we're going into Closed
5 Session.

6 - - -

7 (Whereupon the proceedings are off the
8 record at 7:25 p.m.)

9 (Whereupon the proceedings are back on
10 the record at 7:40 p.m.)

11 - - -

12 MR. EINGORN: We now need a motion to
13 adjourn.

14 CHAIRMAN HANCE: So moved.

15 VICE-CHAIRMAN COOPER: Second.

16 MR. EINGORN: All in favor?

17 THE BOARD: Yays.

18 - - -

19 *(Meeting concluded at 7:42 p.m.)*
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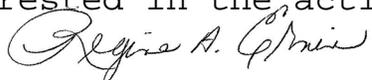
1 CERTIFICATION

2
3
4 I HEREBY CERTIFY that I am a Certified Court
5 Reporter and Notary Public.

6 I FURTHER CERTIFY that the witness was sworn
7 to testify to the truth.

8 I FURTHER CERTIFY that the foregoing is, to
9 the best of my ability, a true and accurate
10 transcript of the testimony taken stenographically by
11 me at the time, place, and date hereinbefore set
12 forth.

13 I FURTHER CERTIFY that I am neither a relative,
14 employee, attorney or counsel to any of the
15 parties to the action, nor a relative or employee of
16 such attorney or counsel and that I am not
17 financially interested in the action.

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