

In The Matter Of:
CITY OF CAMDEN
ZONING BOARD

Transcript of Meeting
May 1, 2023

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ZONING BOARD
CITY OF CAMDEN

- - - -

Monday, May 1, 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
ISASIA MARTINEZ
TERESA ATWOOD
KAREN MERRICKS
MARIZTA ALSTON
JOSE BRITO BUENO

- - - -

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ATTORNEY FOR THE BOARD
EVITA DAVIS, ZONING BOARD SECRETARY
DENA MOORE JOHNSON, P.E., C.M.E. BOARD ENGINEER
REMINGTON & VERNICK ENGINEERS

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1 CHAIRMAN HANCE: Good evening and welcome
2 to the City of Camden Zoning Board regularly
3 scheduled meeting on May 1, 2023.

4 Reading of the Sunshine Law. In
5 conformance with the Sunshine Law of New Jersey,
6 notice of the meeting was posted in the Municipal
7 Clerk's office on Thursday, April 25, 2023. Roll
8 call.

9 MR. EINGORN: Chairman Hance.

10 CHAIRMAN HANCE: Here.

11 MR. EINGORN: Vice-Chairman Cooper.
12 Currently absent.

13 MR. EINGORN: Reverend Martinez.

14 REVEREND MARTINEZ: Here.

15 MR. EINGORN: Ms. Atwood.

16 MS. ATWOOD: Here.

17 MR. EINGORN: Ms. Merricks.

18 MS. MERRICKS: Here.

19 MR. EINGORN: Ms. Alston.

20 MS. ALSTON: Here.

21 MR. EINGORN: Mr. Brito Bueno.

22 MR. BRITO BUENO: Here.

23 MR. EINGORN: And Ms. Washington.
24 Absent.

25 The first matter of business would be the

1 approval of the minutes for April 2023. Do we have a
2 motion to approve the minutes?

3 CHAIRMAN HANCE: I make a motion.

4 MR. EINGORN: And a second?

5 REVEREND MARTINEZ: Second.

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

7 Chairman Hance.

8 CHAIRMAN HANCE: Yes.

9 MR. EINGORN: Reverend Martinez.

10 REVEREND MARTINEZ: Yes.

11 MR. EINGORN: Ms. Atwood.

12 MS. ATWOOD: Yes.

13 MR. EINGORN: Ms. Merricks.

14 MS. MERRICKS: Yes.

15 MR. EINGORN: Ms. Alston.

16 MS. ALSTON: Yes.

17 MR. EINGORN: Mr. Brito Bueno.

18 MR. BRITO BUENO: Yes.

19 MR. EINGORN: I'm going to read the
20 list. If you hear your name, please raise your hand
21 and let us know that you're ready to proceed. The
22 first matter of Old Business: Emelyn Peralta,
23 1315 S. 10th Street.

24 MR. IZZO: We're ready.

25 MR. EINGORN: Good evening, Mr. Izzo.

1 New Business: Haddon Property Group,
2 LLC, 2621 Mt. Ephraim Avenue (Rear).

3 MR. SHEEHAN: Here.

4 MR. EINGORN: Good evening, Mr. Sheehan.
5 As Promised Holdings, LLC, 1600,
6 1610-1642, 1690 & 1692 Carman Street.

7 MR. WILTSEY: Here.

8 MR. EINGORN: Good evening, Counsel.
9 1060 Bergen Avenue, LLC, 1060 Bergen
10 Avenue.

11 MR. CALZARETTO: Ready.

12 MR. EINGORN: Good evening, Counsel.

13 The next matter, Ronald and Frances
14 Abate, 1929 S. 4th Street. This matter will be
15 adjourned to the July meeting, July 3rd. Notice for
16 this meeting was proper and, therefore, notice for
17 the adjournment will be on the record today. There
18 will be no further public notice for that meeting for
19 that application. So if you're here tonight on
20 1929 S. 4th Street, please note that it will not be
21 heard tonight. It will be heard in July with no
22 further notice.

23 The next matter, Genardo Lopez, 1103 N.
24 20th Street.

25 MR. LOPEZ: Here.

1 MR. EINGORN: Good evening.
2 Lowinsky Minier, 3821 Westfield Avenue.
3 MR. IZZO: Here.
4 MR. EINGORN: Thank you.
5 Knights Crossing Homes Partners, LLC,
6 1532 Bradley Avenue.
7 MR. IZZO: Also ready.
8 MR. EINGORN: 5 Star Properties, LLC,
9 3320 Federal Street.
10 MS. LEVAN: The applicant is ready.
11 MR. EINGORN: Thank you.
12 Johanna Rivera, 101 N. 21st Street.
13 MS. RIVERA: Ready.
14 MR. EINGORN: Luis Jaquez, 1317 S. 10th
15 Street.
16 MR. JAQUEZ: Ready.
17 MR. EINGORN: Good evening.
18 Holding 13, LLC, 814 N. 4th Street.
19 MR. SUGLIA: Ready.
20 MR. EINGORN: Good evening, Counsel.
21 Also, two items to note for the agenda.
22 Applications have been filed for the following
23 addresses, 1215 to 1221 S. 6th Street and 407
24 Atlantic Avenue. Notice for these applications was
25 deficient. They will not be heard tonight. The

1 Board does not have jurisdiction. If you're here
2 tonight for either of those property location
3 applications, they will not be heard tonight. They
4 are required to renotice for their applications.
5 You're welcome to stay if you're here. You're
6 welcome to leave as well.

7 And with that, we will take the first
8 matter of Old Business, Emelyn Peralta, 1315 S. 10th
9 Street. And please mute your cell phones.

10 MR. EINGORN: Good evening, Counsel.

11 MR. IZZO: We're here with Ms. Peralta.

12 MR. EINGORN: Would you like to have your
13 witnesses sworn?

14 MR. IZZO: Yes, please. Ms. Peralta is
15 the witness. And you remember last month, she does
16 not speak English so she has her friend helping her
17 understand.

18 MR. EINGORN: If you could have the
19 interpreter raise her right hand.

20 You swear or affirm that the
21 interpretation you will provide tonight, will be true
22 and accurate to the best of your ability?

23 THE INTERPRETER: Yes.

24 MR. EINGORN: Could you state your name
25 and address for the record.

1 MS. NUNEZ: Isabel Nunez, 316 Boyd
2 Street, Camden, New Jersey 08105.

3 MR. EINGORN: If the applicant can raise
4 her right hand, please.

5 - - -

6 EMELYN PERALTA, having first been duly
7 sworn/affirmed, was examined and testified as
8 follows:

9 - - -

10 MR. EINGORN: This is a continued action
11 from last month. Mr. Izzo, if you could just refresh
12 our recollection.

13 MR. IZZO: We started to present our case
14 last month. We did a complete job but we did not
15 have visual evidence available to the Board. Since
16 then, Ms. Peralta has reported back with photographs
17 that depict the state of the exterior of the house.
18 She's in the R-2 Zone. The property is 1315 S. 10th
19 Street. She is attempting to renovate the house to
20 put it in service as a two-family dwelling.

21 She described last month the fact that
22 she had taken on a project to renovate a house that
23 was in disrepair, distressed property. And what she
24 is now showing the Board is the exterior street view
25 of the property in the photographs. And the side

1 view of the property where she's cleaned it up and
2 put a facade on the front doors, windows and siding
3 on the front face of the two-story rowhouse property.

4 MR. EINGORN: This is already a duplex,
5 correct?

6 MR. IZZO: Yes.

7 MR. EINGORN: And the applicant is here
8 for a site plan waiver because of the change of use?

9 MR. IZZO: She applied for a site plan
10 waiver based on the modest size of the property. All
11 her work will entail is cleaning the yard and also
12 improving the exterior of the home so that it's
13 secure, clean, neat.

14 MR. EINGORN: And it's the applicant's
15 position that this does not need a use variance
16 because it's in the R-2 Zone? Duplexes are permitted
17 in the R-2 Zone?

18 MR. IZZO: Right. So I mentioned we're
19 in the R-2 Zone. Her application states that it's
20 suitable for the proposed use and her application is
21 to improve the property and put it back in service as
22 a viable residence and tax-paying property.

23 MR. EINGORN: Is it the applicant's
24 position that there will be no exterior changes to
25 the property such that the use will not affect the

1 existing drainage, circulation in relationship to the
2 building to each other, landscaping, buffering,
3 lighting and other considerations of site plan
4 approval?

5 MR. IZZO: Ms. Nunez, did you hear what
6 the attorney said?

7 MR. EINGORN: I'm sorry. I'm reading it
8 fast. I apologize. Is it the applicant's position
9 that there will be changes to the exterior of the
10 property?

11 MS. PERALTA: Yes.

12 MR. EINGORN: The use will not affect the
13 existing drainage, circulation, relationship of the
14 buildings to each other, landscaping, lighting? And
15 the existing facilities do not require upgraded or
16 additional site improvements?

17 MS. PERALTA: Yes.

18 MR. EINGORN: Great. Does the Board have
19 questions for the applicant related to her request
20 for a site plan waiver for the property at 1315 S.
21 10th Street? The applicant did bring in photographs
22 of the property. She's testifying there are no
23 changes to the exterior of the property.

24 As discussed, the duplex in this area of
25 the City, R-2 Zone, is a permitted use. So she

1 doesn't need a use variance approval. She just needs
2 a site plan or a site plan waiver. And the
3 application is for a site plan waiver. What I quoted
4 is from 870-42 of the Zoning Ordinance just for the
5 record. Are there questions?

6 CHAIRMAN HANCE: You were here last
7 month. You brought back what you asked for us to
8 see. I'm satisfied with it. And there will be no
9 changes to the outside, correct?

10 MS. PERALTA: No changes to the outside
11 of the structure, no.

12 MR. EINGORN: Is there anybody in the
13 public that here's tonight to be heard on the
14 application related to 1315 S. 10th Street. If so,
15 please come forward now, please, to be heard. We do
16 have one member of the public. So if you can just
17 make some space so we can hear. Please raise you
18 right hand.

19 - - -

20 MARK BROWN, having first been duly
21 sworn/affirmed was examined and testified as follows:

22 - - -

23 MR. EINGORN: Can you give your name and
24 address for the record, please.

25 MR. BROWN: My address is actually

1 246 Hidden Drive in Blackwood but I have the church
2 at 1309 S. 10th Street.

3 MR. EINGORN: What would you like to tell
4 the Zoning Board.

5 MR. BROWN: Well, I just came because it
6 was summons to come pretty much.

7 MR. EINGORN: You didn't have to be here.

8 MR. BROWN: That's okay. I wanted to
9 come to hear what was going on. I'm okay with
10 everything with this case.

11 MR. EINGORN: We appreciate your time.
12 Thank you for coming out.

13 MR. BROWN: Thank you.

14 MR. EINGORN: Anybody else in the public
15 that would like to be heard on this application?
16 Hearing none, we'll close the public portion. Now is
17 the time for the Board to do a discussion of the
18 Positive and Negative -- this is actually site plan
19 waiver so that doesn't apply.

20 Do a discussion of the reasoning behind
21 your decision and to make a motion.

22 REVEREND MARTINEZ: I think they like the
23 Chairman said, brought what we needed, what we asked
24 for and it looks nice. This is what we're looking
25 for throughout our City. Some come here showing

1 pictures and then when I walk down there, I see
2 something totally different. The reason I said it, I
3 work for the City. I know and I've been down there
4 and I've seen your property. It looks nice and
5 clean. I'm for it.

6 MR. EINGORN: Great.

7 CHAIRMAN HANCE: I agree. Any time a
8 vacant house in the city is vacant and sits too long,
9 there's actually a fire. Someone tries to go in
10 there to try to get warm or whatever the case may be.

11 I think it's a great idea that our City is coming
12 back and coming back strong.

13 REVEREND MARTINEZ: As a matter of fact,
14 today I heard in a news that the City of Camden is
15 coming from the bottom and we are coming up due to
16 the changes. And it's all due to the Zoning Board
17 because we're the ones who approve these. Not just
18 approve but come here and just seeing it. Like I
19 said, sometimes, we approve something a while ago,
20 and then I drive by and I can't believe how bad it
21 is. And then they promise and say, oh, we'll keep it
22 nice and clean and then later when I drive by and see
23 how bad it's looking. It's terrible.

24 MR. EINGORN: Do we have a motion?

25 CHAIRMAN HANCE: Motion to approve the

1 site plan?

2 MR. EINGORN: Site plan waiver. We have
3 a motion by Reverend Martinez. Do we have a second?

4 CHAIRMAN HANCE: Second.

5 MR. EINGORN: I'll take a roll-call vote.
6 Chairman Hance.

7 CHAIRMAN HANCE: Yes.

8 MR. EINGORN: Reverend Martinez.

9 REVEREND MARTINEZ: Yes.

10 MR. EINGORN: Ms. Atwood.

11 MS. ATWOOD: Yes.

12 MR. EINGORN: Ms. Merricks.

13 MS. MERRICKS: Yes.

14 MR. EINGORN: Ms. Alston.

15 MS. ALSTON: Yes.

16 MR. EINGORN: Mr. Brito Bueno.

17 MR. BRITO BUENO: Yes.

18 MR. EINGORN: Very good. Having six in
19 favor and none opposed, the motion passes.

20 MS. PERALTA: Thank you.

21 MR. EINGORN: Have a nice night.

22 The next matter: Haddon Property Group,
23 LLC, 2621 Mt. Ephraim Avenue (Rear). Good evening,
24 Counsel.

25 MR. SHEEHAN: Good evening. My name is

1 Kevin Sheehan. I'm an attorney with Parker McKay and
2 we're the attorneys for the applicant, Haddon
3 Property Group. This is Block 714, Lot 2 and
4 2.01. So the property address is 2621 Mt. Ephraim
5 Avenue. It's located on Mt. Ephraim Avenue just
6 south of Fairview Street behind the existing Auto
7 Zone and Family Dollar Store, and across from the
8 DMV. It's currently a vacant lot. The applicant is
9 proposing to construct an indoor self-storage
10 facility on the property. The property is located in
11 the C-3 Commercial Zoning District.

12 You may recall last, I believe,
13 September, we were before the Board via Zoom and you
14 had granted a use variance to permit the indoor
15 self-storage facility and a height variance to allow
16 it to go up to 45 feet. One of the conditions of
17 that approval was that we come back to the Board for
18 site plan approval, so we're here tonight before the
19 Board asking for site plan approval. And there's a
20 number of variances and waivers that are identified
21 in Ms. Johnson's report that we will go through in
22 that report.

23 I now the Board's usual -- I should say
24 Ms. Johnson's usual preference is to go through her
25 report and provide testimony in response to her

1 review letter which we're happy to do. I can have
2 all the witnesses sworn in. Each witness will be
3 prepared to address some aspect of that. If I can
4 have all you guys come on up.

5 MR. EINGORN: If everyone can raise your
6 right hand.

7 - - -

8 DENA MOORE JOHNSON, P.E., C.M.E, having
9 first been duly sworn/affirmed, was examined and
10 testified as follows:

11 - - -

12 RICHARD CLEMSON, P.E.; RANDALL BARRANGER,
13 P.E.; MARK REMSA, P.P.; JUNETTA DIX, BS, MA;
14 RYAN TUSTIN, having first been duly sworn/affirmed,
15 was examined and testified as follows:

16 - - -

17 MR. EINGORN: We can take names and
18 addresses as you call everyone. Does that work for
19 you?

20 MR. SHEEHAN: I'll do it however you
21 want.

22 MR. EINGORN: Yes. Because then we can
23 do it as part of voir dire, I guess.

24 MR. SHEEHAN: So what I'm going to do is,
25 the first witness is going to be Ryan Tustin. He's

1 the applicant/owner. I'm going to ask him to give
2 two minutes with the site plan over there just to
3 orient the Board and then we'll run through Dena's
4 letter.

5 MR. EINGORN: If you can provide your
6 name and address for the record.

7 MR. TUSTIN: My name is Ryan Tustin. My
8 address is 206 Wilmont Avenue, Barrington, New Jersey
9 08007.

10 MR. SHEEHAN: And, Ryan, you're the
11 principal to Haddon Property Group and the owner of
12 the property as well?

13 MR. TUSTIN: Yes.

14 MR. SHEEHAN: And you're family with this
15 application?

16 MR. TUSTIN: Yes.

17 MR. SHEEHAN: All right. I put up a
18 rendered site plan over there which we're going to
19 mark A-1. Can you just walk the Board through where
20 the road is, the entrance and sort of circulation of
21 where the building is?

22 MR. TUSTIN: So Mt. Ephraim Avenue is
23 right here. This is the Auto Zone. This is Family
24 Dollar. Popeye is over here. And the DMV is over
25 here. And the Dunkin Donuts and McDonalds are

1 further down here. This is a flag lot. Right now
2 it's heavily wooded. We're proposing to make the
3 best use of this land by building a four-story indoor
4 self-storage facility.

5 There will be two gates, both with a key
6 pad entry for customers. There will be one gate
7 here, one gate there. There will be roll-up doors
8 all around the property. And customers would have
9 access to the entire property from around the drive
10 aisles. It's four stories. Inside there's
11 approximately 156,000 square feet of gross square
12 footage of space. That's down to approximately
13 118,000 square feet of storage or 1,100 actual
14 storage units.

15 The inside units which make up probably
16 about 90 percent of the units, are
17 temperature-controlled while the exterior units would
18 be nonclimates as they roll-up to the exterior.
19 Right up here there's an office. And there would be
20 a man here working in the office who would help
21 facilitate leasing. Leasing would be done online or
22 in person. Hours of operation would be for the
23 office, Monday through Saturday 9:00 a.m. to
24 6:00 p.m. So they would be open for about four hours
25 from about, say, 10:00 a.m. to 2:00 p.m.

1 MR. SHEEHAN: So we can go to Ms.
2 Johnson's letter. I I might as well have our
3 engineer since he's going to do most of the
4 responding.

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

7 MR. CLEMSON: Richard Clemson, principal
8 engineer, James Sassano Associates, 41 Route 73,
9 Hammonton, New Jersey.

10 MR. SHEEHAN: Rick, you're a licensed
11 professional engineer in the State of New Jersey?

12 MR. CLEMSON: I am.

13 MR. SHEEHAN: Do you want to give a
14 summary of your educational, professional experience
15 to qualify you as an expert in engineering?

16 MR. CLEMSON: Sure. No problem.

17 I'm a graduate of Penn State University.
18 I've been a licensed professional engineer in New
19 Jersey since 1995. I've testified before over 40
20 land use boards in South Jersey. I have appeared
21 once before the City of Camden Zoning Board. I've
22 got well over probably close to 30 years of
23 experience doing residential, commercial, industrial
24 engineering.

25 MR. SHEEHAN: I would submit Mr. Clemson

1 as an expert in civil engineering.

2 MR. EINGORN: We'll accept Mr. Clemson as
3 an expert in civil engineering.

4 MS. MOORE: Mr. Chairman, I'm referring
5 to Remington & Vernick's letter dated April 14, 2023.
6 And starting on -- before I get to the letter, I
7 wanted to mention that I did speak with Mr. Clemson
8 about most of the engineering items last week. So we
9 went through those, so I may just answer just to keep
10 this moving.

11 Starting on page -- we'll go page 3, the
12 Area and Bulk Requirements. I have noted -- I'll
13 just note where I have the variances. For building
14 height, the maximum building height, what's required
15 is three stories, 45 feet. What's proposed is
16 43.58 feet. And a variance has been granted
17 previously with your Zoning Board Approval.

18 MR. CLEMSON: That's correct.

19 MS. MOORE: And then off-street parking
20 which is one space per 300 square feet of office
21 space. And then the storage area is 1 per 5,000
22 square feet of storage space. So what's required is
23 34 spaces. What's proposed is 17 spaces. We have
24 noted that a variance is required. And through
25 testimony, I guess if you wanted to mention now

1 regarding the parking spaces, you're looking at
2 approximately 16 parking spaces phantom or ghost
3 parking spaces. Did you want to explain that?

4 MR. CLEMSON: Absolutely.

5 MS. MOORE: And the location.

6 MR. CLEMSON: I'll go ahead and mark this
7 A-1. I'll move the easel over closer. That was the
8 site rendering.

9 MS. MOORE: As you're getting that, I
10 just wanted to note, a Road-Opening Permit from New
11 Jersey Department of Transportation will be required
12 for a road-opening on Mt. Ephraim Avenue --

13 MR. SHEEHAN: Yes.

14 MS. MOORE: -- since that's a state
15 highway.

16 MR. BRITO BUENO: How many parking spaces
17 do they need, 16 or 17?

18 MS. MOORE: They need 16 because when you
19 have an electrical -- the electrical vehicle-ready
20 space, that counts as two. So you do the 34 minus
21 17, 17. And then 2 for EV space, 16.

22 MR. BRITO BUENO: Thank you.

23 MR. CLEMSON: The parking spaces that we
24 are proposing so there's 17 parking spaces, they're
25 all along the southerly side of the storage

1 building. On the north side, we actually have an
2 oversized driveway. It's 40 foot wide on the north
3 side. So what we are proposing in lieu of actually
4 building spaces that historically you would not need
5 for this type of use. So we have enough room to
6 basically provide 16 ghost or phantom spaces along
7 the northerly driveway. The space is available and
8 we would construct those or stripe those in the event
9 that they were actually deemed necessary by the City.
10 But based on my experience with self-storage
11 facilities, the parking requirements are very, very
12 low.

13 MR. EINGORN: So this will eliminate the
14 need for the variance?

15 MS. MOORE: It would. Because phantom --
16 you're allowed to do that.

17 MR. CLEMSON: So I think what we would
18 request is -- yes, we do need the variance. We
19 wanted to provide testimony to the Board that we can
20 comply if it becomes necessary. But in lieu of the
21 parking --

22 MS. MOORE: The fee. I forgot about it.

23 MR. CLEMSON: -- fee, what we're
24 testifying to is, the spaces are available if they're
25 ever necessary. So we would respectfully ask for a

1 waiver from actually having to pay the parking fee.

2 MS. MOORE: So that would probably be a
3 condition of approval that if the City deems at any
4 point if they need those spaces, that they would then
5 go and construct those spaces. And I had spoken with
6 Mr. Clemson with regard to the ADA parking. Because
7 if they do the 16 spaces, they would need an
8 additional ADA parking space. So they would do all
9 the reconstruction regarding the parking necessary if
10 it's deemed in the future that the City would want
11 them to create those spaces.

12 MR. EINGORN: And then you could just
13 re-stripe in blue in the front?

14 MR. CLEMSON: Correct. Absolutely
15 because there's enough room. We have an ADA space
16 right here. So it's actually designed right now as a
17 van-accessible space. So the ADA space that we're
18 providing right now is 8-foot wide. The accessible
19 aisle so that's for your maneuverability, is also 8
20 feet. The next space over is 9. We wouldn't even
21 re-stripe it. We would leave it oversized. The only
22 thing we would do in terms of painting would be --

23 MR. SHEEHAN: There's 12 applications
24 tonight.

25 CHAIRMAN HANCE: Can I ask a question?

1 MS. MOORE: Yes.

2 CHAIRMAN HANCE: So let's go back to the
3 ghost back here behind the building. Why can't you
4 just put those up there any way? It's not going to
5 make a difference where you can't -- whatever you're
6 trying to do back there, you said it's 40 --

7 MR. CLEMSON: It's 40 feet. I think we
8 prefer not to set those aside now just for
9 maneuverability. We have enough room if we need to
10 put them in. We just really don't think they're
11 necessary. That little bit of extra later to stripe
12 those, I think it's really, really minor. And,
13 again, our experience is, we don't need anywhere --
14 in fact, this is the 17 that we're proposing are far
15 more than we actually need.

16 CHAIRMAN HANCE: I agree. I've been at
17 storage places and there's not a lot of parking at
18 all. But you got doors all the way around the
19 building, correct?

20 MR. CLEMSON: Correct.

21 CHAIRMAN HANCE: Are they roll-up
22 doors?

23 MR. CLEMSON: Yes.

24 CHAIRMAN HANCE: So when someone is
25 leaving, you drive in the building? Because right

1 here I see a big door.

2 MR. CLEMSON: So basically, there are
3 roll-up doors essentially along the west, north and
4 easterly sides. Really aren't any on the southerly
5 because where we have all this parking. We
6 originally, we were only going to do parking here and
7 then these would be additional roll-up doors. We
8 added this additional parking. So here, here and
9 then when we get on the east side, those would be the
10 roll-up doors. So there's plenty of room to
11 maneuver. But rather than set these aside now and
12 just make the maneuver harder, there's no point to
13 it.

14 MS. MOORE: Well, generally, someone
15 would just go up to the door that they need, park and
16 go in. I mean, we all --

17 MR. CLEMSON: Right.

18 MS. MOORE: The electric charging
19 facility should be provided in accordance with the
20 Municipal Land Use Law requirements and the DCA
21 model ordinance requirements which you have one EV
22 space.

23 MR. CLEMSON: Yes.

24 MS. MOORE: And you were given a credit
25 for the parking for that.

1 Per Section 870-230.K, required parking
2 spaces or loading berths may not be located in access
3 aisles or driveways. Plans should be revised or a
4 variance requested. So you're requesting that
5 variance, correct?

6 MR. CLEMSON: Yes.

7 MS. MOORE: Per Section 870-230.K, no
8 areas specifically intended for parking or loading
9 use may be located between the front building line
10 and the street lines. Plans should be revised or a
11 variance requested.

12 MR. CLEMSON: We would ask for that
13 variance as well.

14 MS. MOORE: And the justifications for
15 these variances will be coming out. Someone else is
16 going to provide that testimony?

17 MR. CLEMSON: Yes.

18 MS. MOORE: Stormwater collection and
19 management system. The first two are notes on the
20 plans. You'll add those notes?

21 MR. CLEMSON: Yes.

22 MS. MOORE: Per Section 870-229.C.5, the
23 grate shall be set two (2) inches below the normal
24 gutter grade. The surface of the paving adjacent to
25 the inlets shall be constructed to blend into the

1 lowered gutter grade at the inlet in such a manner
2 that sudden drop off or dip at the inlet would not be
3 created.

4 MR. CLEMSON: We would agree.

5 MS. MOORE: And you'll revise the grades
6 accordingly?

7 MR. CLEMSON: Correct.

8 MS. MOORE: Invert elevations should be
9 provided at the connection of the roof drains to the
10 storm sewer pipes.

11 MR. CLEMSON: We agree.

12 MS. MOORE: The applicant shall provide
13 testimony for the use of the high-performance
14 polypropylene pipe and not HDPE (high density
15 polyethylene pipe) for the storm sewer pipe system.

16 MR. CLEMSON: Sure. The storm sewer
17 material that we're proposing here is actually a
18 higher end, higher performance material than most
19 people would do if they were doing corrugated plastic
20 pipe. Essentially, the pipe is a stiffer material so
21 it's better suited to vehicle and soil loads. But
22 more, importantly, it's water-tight whereas, your
23 typical polyethylene corrugated pipe is almost
24 water-tight. So we wanted a water-tight system out
25 here and that's why we're using a high-performance

1 pipe.

2 MS. MOORE: So it's just a different type
3 of plastic that I'm used to seeing, HDPE. And so I
4 spoke with Mr. Clemson about it and did my own
5 research regarding it and it appears to be
6 appropriate.

7 MR. CLEMSON: Thank you.

8 MS. MOORE: The report states that
9 groundwater recharge is not required since this site
10 is located within an Urban Redevelopment Zone and it
11 is comprised of soils that are consistent with
12 Historic Fill. Our office disagrees with this
13 statement. Since this site was not previously
14 developed, groundwater recharge should be required.

15 We discussed this and I think we still
16 somewhat disagree.

17 MR. CLEMSON: Yes.

18 MS. MOORE: And I know since you have to
19 go to DEP for approval, I'll let DEP have the final
20 say. I will still say that it's required. And then
21 if DEP says, no, it's not then that's fine.

22 MR. CLEMSON: Understood. Perfect.

23 MS. MOORE: Then I'm being too
24 conservative which is fine.

25 MR. CLEMSON: Understood completely.

1 MR. SHEEHAN: So, Kyle, in the
2 Resolution, can we make sure that that's clear?

3 MR. EINGORN: Yes.

4 MS. MOORE: Per Section 870-229.A.1, all
5 nonresidential lawn areas are to be assumed to have a
6 grass cover in fair condition. The hydrologic
7 analysis for the post-development evaluation and the
8 storm sewer design should be revised accordingly.

9 MR. CLEMSON: Agreed.

10 MS. MOORE: And you'll also revise it
11 regarding the wood or brush condition that that also
12 be deed-restricted?

13 MR. CLEMSON: Yes.

14 MS. MOORE: The Storm Sewer. You'll use
15 the "normal" Manning's coefficient?

16 MR. CLEMSON: That's right, 0.0009.

17 MS. MOORE: And the design of the
18 emergency spillway appears to be missing from the
19 stormwater report. You'll add that?

20 MR. CLEMSON: Yes.

21 MS. MOORE: Dimensions for the basin and
22 slope information should be indicated so that it's
23 properly constructed.

24 MR. CLEMSON: To be added, yes. Agree.

25 MS. MOORE: The stormwater basin is

1 located within the 100-foot waterfront development
2 area and the appropriate permitting is required prior
3 to final plan signatures.

4 MR. CLEMSON: Understood.

5 MS. MOORE: And the Maintenance Plan has
6 been provided for review. You will add a person's
7 name, title and phone number for the party
8 responsible for maintenance after construction?

9 MR. CLEMSON: Correct.

10 MS. MOORE: You're aware that this
11 maintenance plan must be recorded at the County
12 Clerk's Office?

13 MR. CLEMSON: Yes.

14 MS. MOORE: You're aware of the
15 stormwater fee?

16 MR. CLEMSON: We are.

17 MS. MOORE: And the following language
18 that I have listed on here should be included in the
19 agreement and as notes on the plans specifically
20 word-for-word?

21 MR. CLEMSON: Exactly. Agreed.

22 MS. MOORE: Grading. You'll see the
23 permanent benchmarks?

24 MR. CLEMSON: Set the benchmarks; adjust
25 the datum Number 2. No problem.

1 MS. MOORE: And the building access
2 points, just for the man doors, person doors, you'll
3 that?

4 MR. CLEMSON: We'll absolutely do that.
5 And they're all at the same elevation.

6 MS. MOORE: And you don't have a basement
7 or crawlspace, right?

8 MR. CLEMSON: That's correct.

9 MS. MOORE: The grading along the
10 southern property line appears to be steeper than
11 3:1 (3 to 1). The plans should note that grades
12 within grassed areas should not be steeper than
13 3:1 (3 to 1). And the grading along the southern
14 property line should be revised accordingly.

15 MR. CLEMSON: We actually talked about
16 this one.

17 MS. MOORE: Yes, we did.

18 MR. CLEMSON: And so the southerly line
19 is this long line here. And the issues that we're
20 having with grading on the southerly side of the
21 property, essentially deal with the fact that we have
22 such a narrow strip of land in order to get to the
23 site. So what your engineer and I have discussed is,
24 we have essentially 2:1 (2 to 1) slopes instead of
25 3:1 (3 to 1) slopes. And what we're proposing to do

1 is to actually provide a really heavy-duty erosion
2 control blanket that would allow those slopes to be
3 stabilized effectively.

4 MS. MOORE: Per Section 870-227.A.7,
5 existing grades shall not be changed within 5 feet of
6 the boundary with an adjacent property. The plans
7 should be revised or a waiver requested.

8 MR. CLEMSON: We would request that
9 waiver as well. This has to do primarily with
10 limited space to work with. The access drive is only
11 50 feet. We're providing a 25-foot wide access. We
12 need to be able to grade on both sides. So in order
13 to blend everything in properly, we would pretty much
14 have to go to our property line. I'll couple that by
15 saying, the areas around us are commercial in nature
16 or they're vacant. So we really don't have any
17 immediate impact on anybody by allowing us to grade
18 closer to the end of the property line.

19 MS. MOORE: Cleanouts should be indicated
20 for the sanitary sewer lateral and roof drains.
21 Invert elevations should be provided for those
22 cleanouts.

23 MR. CLEMSON: Agree.

24 MS. MOORE: And you'll add the note
25 regarding the utility?

1 MR. CLEMSON: Yes.

2 MS. MOORE: You understand that the
3 project must be approved by both the City Engineer
4 and the City Fire Chief prior to final signatures on
5 the plan?

6 MR. CLEMSON: Understood.

7 MS. MOORE: And a CCTV inspection of the
8 sewer must be performed and reviewed by the City
9 Engineer.

10 MR. CLEMSON: Agreed.

11 MS. MOORE: And you'll coordinate with
12 him regarding the limits?

13 MR. CLEMSON: Correct.

14 MS. MOORE: All developers and applicants
15 should note that due to the City Ordinance, a
16 Capacity Fee may be applicable to the proposed
17 development. The applicant shall contact the City
18 Engineer for all costs related to the same.

19 MR. CLEMSON: Agree. Understood.

20 MS. MOORE: And you will add the
21 following notes to your Utility Plan that I have
22 listed here --

23 MR. CLEMSON: Yes.

24 MS. MOORE: -- whether they're applicable
25 at this point or not because sometimes during

1 construction they become applicable.

2 Construction Details: All curb and
3 sidewalk should note the minimum compressive strength
4 of 4,500 psi.

5 MR. CLEMSON: Agreed.

6 MS. MOORE: And your AutoGate Operator
7 Pad Layout/Options detail should indicate the
8 compressive strength of 4,000 psi.

9 MR. CLEMSON: Also agreed.

10 MS. MOORE: You mentioned about the
11 signed and sealed plans and details for the retaining
12 wall. And if you take care of that during the design
13 phase and not construction.

14 MR. CLEMSON: Yes. So that would be a
15 condition of the approval. When we provide the
16 compliance plans, we will add that.

17 MS. MOORE: Okay.

18 Any filter fabric to be used in the storm
19 sewer bedding details should be shown.

20 MR. CLEMSON: Agreed.

21 MS. MOORE: And I mentioned some of the
22 details here that should have the compressive
23 strength of 4,000 psi.

24 MR. CLEMSON: Agreed.

25 MS. MOORE: And the plans should note

1 that all site work construction and details must
2 conform to the standards of the City of Camden.

3 MR. CLEMSON: Yes.

4 MS. MOORE: Planting Design: The
5 property is heavily wooded and will be largely
6 cleared. Per Section 870-247.D, a tree removal
7 plan should be provided or a waiver requested.
8 Compensatory planting may be necessary.

9 MR. CLEMSON: We'll provide that plan.

10 MS. MOORE: So I'll remove that from the
11 back of your waivers. And you'll provide it in
12 accordance with that section. Just pointing out
13 which ones to call out.

14 All electrical and mechanical equipment
15 shall be screened from view per Section 870-224.B.19.
16 This note should be added to the plan.

17 MR. CLEMSON: We'll add it to the plan.

18 MS. MOORE: And you are screening it,
19 correct?

20 MR. CLEMSON: Correct. Yes.

21 MS. MOORE: Is it on the roof?

22 MR. CLEMSON: It will be screened. And
23 more than likely, it would be --

24 MS. MOORE: Parapet?

25 MR. CLEMSON: Yes.

1 MS. MOORE: Okay.

2 The applicant proposes a wet pond
3 stormwater management basin. Sheet 9 notes that the
4 seed mix to use above the waterline will be Ernst
5 Solar Farm Mix 186. Our offices recommends that one
6 of Ernst's ecologically-friendly stormwater mixes
7 should be specified. You'll adjust that?

8 MR. CLEMSON: We agree to provide.

9 MS. MOORE: The landscape plan should be
10 revised to correct conflicts between shrubs and
11 sidewalk, shrubs and curb and shrubs and light
12 fixtures.

13 MR. CLEMSON: Agree.

14 MS. MOORE: Lighting: Per Section
15 870-243.A(10), no more than 0.25 footcandles are
16 permitted 10 feet from the property line, whereas the
17 applicant proposes 0.4 footcandles along the southern
18 property line. Our office recommends that shields be
19 provided for these fixtures as well as the fixtures
20 that abut the creek.

21 MR. CLEMSON: We agree.

22 MS. MOORE: Per Section 870-243.H, all
23 outdoor lighting not essential for safety and
24 security purposes shall be activated by automatic
25 control devices and turned off during non-operating

1 hours. Note 3 on Sheet 10 indicates that a photocell
2 will be used. Our office recommends that after
3 hours, lighting be reduced to lighting for security
4 only. And the note should be revised.

5 MR. CLEMSON: We'll revise the notes.

6 MS. MOORE: Traffic Report. Is there
7 someone else for traffic?

8 MR. SHEEHAN: Yes. Can you state your
9 name and address for the record?

10 MR. BARRANGER: Randall Barranger, 277
11 White Horse Pike, Atco, New Jersey.

12 MR. SHEEHAN: Can you give a summary of
13 your professional, educational experience to qualify
14 you as an expert.

15 MR. BARRANGER: I have a degree in civil
16 engineering from the University of Delaware
17 approximately 24 years now of experience in traffic
18 engineering, licensed professional engineer in the
19 State of New Jersey. I have testified before other
20 land use boards and I've also sat on two boards as a
21 traffic engineer.

22 MR. SHEEHAN: I will submit him as an
23 expert traffic engineer.

24 CHAIRMAN HANCE: Yes.

25 MR. EINGORN: The Board will accept

1 Mr. Barranger as a traffic engineer.

2 MR. SHEEHAN: Thank you.

3 MS. MOORE: The applicant should
4 clarify -- I'm jumping to No. 3 -- the applicant
5 should clarify how delivery vehicles and others will
6 access the site to ensure that the anticipated
7 queuing will not impact the surrounding roadways.

8 MR. BARRANGER: Again, as previously, we
9 anticipate that the traffic generation will tend to
10 be small so any ques that would be on site, and
11 you're looking at one or two cars, so that can be
12 accommodated on site. A typical vehicle for that is
13 a single unit or U-Haul-type truck. So I don't
14 anticipate there being any issues with turning or
15 queuing on site. Again, that's going to get reviewed
16 by NJDOT as well.

17 MS. MOORE: Okay.

18 The applicant's traffic engineer should
19 provide testimony as to the trip generation
20 information provided in support of the calculated
21 numbers and verify if weekend peak hour traffic is
22 not anticipated to be a substantial contributor as
23 projections for that time period were not provided
24 or analyzed. So I'll just note that according to the
25 report, 14 new trips during the a.m. peak hour and 23

1 new trips during the p.m. peak hour were expected
2 with this development.

3 MR. BARRANGER: Correct. And that's
4 based on the Institute of Transportation Engineer
5 Traffic Generation Manual.

6 As far as the weekend counts, I did
7 provide -- I brought with me an estimate of those
8 vehicles. We anticipate about 27 vehicles. That is
9 slightly more than a typical weekday p.m. However,
10 it's going to be on a weekend where typically traffic
11 on the roadway is less than during a commuter
12 rush-hour unless you're down the shore, of course.

13 So as far as anticipating traffic
14 impacts, I think it'll be very minimal and comparable
15 to the p.m. peak during the weekday.

16 MS. MOORE: Okay.

17 CHAIRMAN HANCE: When you state peak
18 hour, let's talk about day, Friday, which is the
19 worse traffic of all. The weekend is fine. But
20 Friday is the worse traffic going down that road.

21 MR. BARRANGER: Okay. Like I said, what
22 the trip generation is looking at is the peak of the
23 generator, the site. And we couple that to the peak
24 of the roadway. Often times they don't intersect any
25 way. But to provide a conservative analyses, we're

1 adding them together.

2 As far as what the site is generating,
3 it's 23 vehicles in the p.m. That's less than 2
4 vehicles a minute so I don't think there would be an
5 issue. Per our study there's no change in level of
6 service. The most important movement would be left
7 turns into the site because they conflict with
8 oncoming traffic and we have that at Level Service A
9 as good as you can get. So even through traffic
10 might be bad on the Black Horse -- on Mt. Ephraim
11 Drive.

12 CHAIRMAN HANCE: Now a question. When
13 you do all this investigating, do you do it yourself;
14 do you have other people do it for you; do you sit
15 out there and watch the traffic; time the traffic?

16 MR. BARRANGER: Yes. We have a whole
17 traffic count department where they go out and they
18 actually count by those intersections. And then as
19 the engineers, yes, we will go visit the site and
20 observe the traffic patterns.

21 CHAIRMAN HANCE: Thank you.

22 MS. MOORE: The applicant's traffic
23 engineer should provide testimony that the on-site
24 access and internal circulation layouts are expected
25 to safely and efficiently accommodate the anticipated

1 traffic volumes.

2 MR. BARRANGER: You can see that the
3 drive aisles here, the minimum ones are 25 feet.
4 That's plenty to facilitate two-way traffic. And,
5 again, there's not going to be a lot of traffic
6 on-site any way. So you can have two-way traffic all
7 the way around the building. I don't anticipate any
8 problem with traffic circulation.

9 MS. MOORE: The applicant's engineer
10 should confirm that adequate sight distance in
11 accordance with AASHTO policies exists at all
12 existing and proposed intersections.

13 MR. BARRANGER: So there is just the
14 one proposed intersection and that AASHTO sight
15 distance is on the plan. I did review it. I believe
16 there is adequate sight distance. And not to be beat
17 a dead horse, NJDOT is certainly going to be looking
18 at that as well.

19 MS. MOORE: Yes, they will. Okay. I'm
20 moving on to Environmental.

21 MR. BARRANGER: Thank you.

22 MS. MOORE: Is there another person for
23 environmental?

24 MR. SHEEHAN: Yes. Please state your
25 name and address for the record.

1 MS. DIX: Junetta Dix, 320 South Shore
2 Road, Mamora, New Jersey 08223.

3 MR. SHEEHAN: Can you give a summary of
4 your education and professional experience?

5 MS. DIX: Of course. I'm a environmental
6 consultant. I hold a Bachelor of Science Degree from
7 the University of North Carolina at Wilmington in
8 Marina Biology and a Master's of Environmental
9 Management from Duke University. I've been an
10 environmental consultant in the State of New Jersey
11 for about 32 years.

12 I'm a professional wetlands scientist and
13 a soil scientist. And my expertise lies mainly with
14 DEP permitting, CAFRA, Upland Waterfront
15 Developments, Environmental Impact Statements. I've
16 never testified before this particular Board before,
17 but I have testified before many, many others in
18 almost all the counties of New Jersey.

19 MR. EINGORN: The Zoning Board will
20 accept Ms. Dix as a professional in environmental
21 engineering.

22 MS. DIX: Environmental scientist.

23 MR. SHEEHAN: As an expert.

24 MS. DIX: Thank you.

25 MR. EINGORN: Okay.

1 MS. MOORE: Environmental Impacts. Now,
2 we reviewed the report. I just have a few comments.

3 The applicant shall continue its process
4 of working closely with the DEP, Division of Land
5 Resource Protection to avoid impacts to any
6 environmental features adjacent to and/or on the site
7 and to obtain all necessary permits and approvals
8 prior to site development. An LOI from the DEP
9 confirming the absence or presence of wetlands and
10 transition areas should be provided prior to final
11 approval.

12 MS. DIX: So the Letter of Interpretation
13 which confirms the wetland boundaries and the wetland
14 buffers has been approved. It was issued in
15 December of 2022 and we will provide a copy of that
16 as well. It should have been --

17 MS. MOORE: I have it. I'm sorry. I put
18 it in the back.

19 MS. DIX: No worries. It should have
20 been in the appendix in the EIS. And we continue to
21 work closely with the DEP. We do need an Upland
22 Waterfront Development permit under the Coastal
23 Zoning Management Act. We also need a flood hazard
24 area review that's part of that Upland Waterfront
25 Development. And we need an additional wetlands

1 permit for the stormwater outfall that transitions
2 through the buffer and into the wetlands.

3 MS. MOORE: So which one were those,
4 waterfront development?

5 MS. DIX: Upland Waterfront Development
6 which will include a flood hazard area review. We
7 don't believe we need a separate flood area permit.
8 It's covered under that coastal zone management
9 rules. And we also need a GP-11, a Freshwater
10 Wetlands Protection Act General Permit 11 for the
11 stormwater outfall.

12 MS. MOORE: I just wanted to note it
13 correctly in the back.

14 MS. DIX: Of course.

15 MS. MOORE: So then I have the DEP,
16 CAFRA. Is that where you would get the Upland
17 Waterfront Development?

18 MS. DIX: Right. So CAFRA is the coastal
19 zone. And once you come around and up the Delaware
20 River, you're out of the coastal zone and you're in
21 the Upland Waterfront Development.

22 MS. MOORE: All right. I'll remove
23 CAFRA.

24 MS. DIX: It's basically the same thing
25 but just the other side of the state.

1 MS. MOORE: Okay. I'll just remove the
2 CAFRA and put DEP and I'll note these two.

3 MS. DIX: Thank you.

4 MS. MOORE: The Soil Erosion and Sediment
5 Control Plan shall be approved by the Camden County
6 Soil Conservation District. That has to be reviewed
7 and approved prior to earth disturbance. You
8 acknowledge?

9 MR. SHEEHAN: Yes.

10 MS. DIX: Agreed.

11 MS. MOORE: The project must comply with
12 the New Jersey Stormwater Management Regulations
13 which set forth standards for runoff quantity, water
14 quality and groundwater recharge. Agreed?

15 MS. DIX: Agreed.

16 MS. MOORE: The project must comply with
17 the New Jersey Stormwater Management Regulations
18 which that's also. We already said that one.

19 Noise Regulations: During Construction,
20 the applicant shall adhere to the "Noise regulations
21 established sound level limits of 50 decibels during
22 nighttime (10:00 p.m. to 7:00 a.m.) and 65 decibels
23 during daytime (7:00 a.m. to 10:00 p.m.) as measured
24 at any residential property line." You agree?

25 MR. SHEEHAN: Yes.

1 MS. MOORE: And RVE encourages the
2 applicant to continue its process, their process of
3 working closely with the New Jersey Department of
4 Environmental Protection, Camden County Soil
5 Conservation District, Camden County Planning Board,
6 and the City of Camden, to avoid impacts to any
7 environmental features adjacent to and/or on the site
8 and to comply with any outstanding issues and obtain
9 all necessary licenses, permits, waivers and
10 approvals prior to site development. You agree?

11 MS. DIX: Yes.

12 MR. SHEEHAN: Yes.

13 MS. MOORE: That's it for environmental.
14 Thank you.

15 Trash Enclosure: The applicant proposes
16 a trash enclosure in the north corner of the site.
17 Per Section 870-255.A(2)(d), trash enclosure gates
18 shall be constructed of solid welded panels, whereas
19 cedar plank board-on-board is proposed on Sheet 13.
20 The plans should be revised or a variance requested.

21 MR. CLEMSON: We're going to revise the
22 plan.

23 MS. MOORE: And I'll remove the trash
24 enclosure gate from the back variance.

25 Testimony should be provided regarding

1 the disposal of large items such as furniture.

2 MR. TUSTIN: So large items, it's the
3 responsibility of the customer to haul them away.
4 However, from time to time, they do leave stuff
5 behind. So our manager will either help haul it away
6 or coordinate with a third party hauling service like
7 a junk removal company.

8 MS. MOORE: Okay. So a private hauler it
9 would be?

10 MR. TUSTIN: Yes.

11 MS. MOORE: Thank you.

12 Signage: The applicant proposes, it
13 looks like five (5) different type signs,
14 freestanding, Wall A, Wall B, Wall C and Directional
15 for the office.

16 MR. CLEMSON: Correct. And the exhibit
17 that I just brought is a plan we created specifically
18 for tonight's hearing. We basically took the details
19 that are part of our plan set, blew them up to make
20 them easier to read.

21 MR. SHEEHAN: So we'll mark that A-3.

22 MS. MOORE: So Per Section 870-253.F(11),
23 at least 15 feet shall be provided between any side
24 property line and a freestanding sign, whereas 2.21
25 feet is proposed. The applicant requests a variance.

1 In addition, there should be at least 60 feet between
2 a proposed freestanding sign and another freestanding
3 sign. The freestanding sign for the Auto Zone should
4 be shown on the plans and dimensioned.

5 MR. CLEMSON: So we would agree to add
6 the Auto Zone sign. That is, if I go back to A-1,
7 the Auto Zone sign is just to the north of our
8 driveway access. And we will have 60 feet between
9 our sign and the Auto Zone sign.

10 In terms of the setback variance, that's
11 because we're dealing with a 50-foot wide frontage.
12 This is basically the flag that gets us to the back
13 of the site. We're proposing the sign on the south
14 side of our entrance drive. And, again, with only 50
15 feet to work with, we need that variance in order to
16 get a sign in.

17 MR. EINGORN: Do you have an elevation?

18 MR. CLEMSON: Yes. The freestanding sign
19 will be pole-mounted and that is the graphics
20 that would represent what we would be proposing.

21 MR. EINGORN: These top ones, are they
22 going on the building themselves?

23 MR. CLEMSON: Yes. These over here are
24 all facade signs, wall sign. This sign at the bottom
25 left corner is the freestanding sign.

1 MR. EINGORN: Do you have a picture of
2 the proposed building with the sign on?

3 MR. CLEMSON: Yes, we do. A rendering of
4 the building, yes, we do.

5 MR. EINGORN: Mark that A-4.

6 MR. SHEEHAN: Yes.

7 MR. CLEMSON: Exhibit A-4, this is a plan
8 by VISSI Architects. And this is a color rendering
9 of the building. And this particular sheet shows the
10 location of the proposed wall signs that are
11 associated with the building. Did you want me to
12 roll or do you want --

13 CHAIRMAN HANCE: Which one is the front
14 of the building?

15 MR. SHEEHAN: Which one is the front of
16 the building?

17 MR. CLEMSON: I will switch over. The
18 elevation view that you're seeing on top, this is the
19 front or easterly side of the building. This is the
20 side that would be parallel to Mt. Ephraim Avenue.
21 If you're on Mt. Ephraim Avenue and looking straight
22 back into the site, this is what you would see.
23 You probably only see about halfway up because there
24 are two buildings in front of us.

25 There's the Auto Zone in front of us and

1 the Family Dollar. So as you're looking, you're
2 really only going to see the top half of the building
3 on this side. We're proposing one sign which I think
4 we refer to as Sign A that's roughly in the middle of
5 the front of the building. So the portion of the
6 building that runs parallel to Mt. Ephraim Avenue.

7 CHAIRMAN HANCE: So the freestanding sign
8 would be further out towards the street?

9 MR. CLEMSON: Right. So if I go back to
10 A-1, Sign A would be in here.

11 CHAIRMAN HANCE: Okay.

12 MR. CLEMSON: So middle of, we'll call it
13 the front of the building.

14 CHAIRMAN HANCE: Right.

15 MR. CLEMSON: The freestanding sign is
16 out here by Mt. Ephraim at our entrance.

17 CHAIRMAN HANCE: Thank you.

18 MR. CLEMSON: The other three signs, wall
19 signs or facade signs that we're proposing, are on
20 the southerly wall of the building. So the southerly
21 wall, that's the side of the building where we
22 actually have the parking. And then this space down
23 in here is vacant. So that's the southerly wall.
24 And then the southerly wall, we essentially have
25 three signs. We have Wall Sign B which is -- it's

1 got a cube symbol and it spells out Cube Smart in
2 words.

3 We have Sign C which is at the westerly
4 side of the southerly-facing building and it's just a
5 red cube, the symbol for Cube Smart. And then the
6 fourth sign, it is essentially, you can't even really
7 see it. It's a sign that goes over the office door
8 and it just says office. It's only eight inches
9 high. And I think it's maybe about eight foot long,
10 six to eight foot long but it's only eight inches
11 high.

12 CHAIRMAN HANCE: Are any of these signs
13 going to be lit or reflected -- reflection?

14 MR. CLEMSON: Signs A, B and C - and I
15 might have those wrong - do have internal
16 illumination so they're kind of glow. The sign over
17 the office I do not believe is internally lit.

18 CHAIRMAN HANCE: I ask that because
19 you're going to be far back there. We're really far
20 back. So this is the face of the building that's
21 closest to Mt. Ephraim Avenue and it's 235 feet away.

22 CHAIRMAN HANCE: Right.

23 MS. MOORE: Anymore questions? So I'll
24 just continue.

25 Per Section 870-253.0(12)(a), wall signs

1 in the C-3 zone are limited to one per building,
2 whereas three (3) wall signs are proposed. The
3 applicant requests a variance.

4 MR. CLEMSON: Yes. The only caveat that
5 I will make to that, I noticed that this afternoon
6 is, we actually have four (4) if you want to include
7 the office sign --

8 MS. MOORE: But that's directional.

9 MR. CLEMSON: -- which could be
10 directional.

11 MS. MOORE: We called that out
12 directional so I'll leave it with that.

13 MR. CLEMSON: Understood.

14 MS. MOORE: Per Section 870-253.0(12)(b),
15 wall signs in the C-3 zone are limited to five
16 percent of the facade or 24 square feet, whichever is
17 smaller. The applicant proposes three (3) wall signs
18 with a total sign area of 477.5 square feet. The
19 applicant requests a variance.

20 MR. CLEMSON: That's correct.

21 MS. MOORE: And that would be for the
22 size of the wall signs.

23 MR. CLEMSON: Yes.

24 MS. MOORE: And Per Section
25 870-253.0(12)(f), a wall sign shall not project

1 higher than the parapet line of the wall to which the
2 sign is to be affixed or 20 feet as measured from the
3 base of the building wall to which the sign is to be
4 affixed, whichever is lower. The applicant proposes
5 to place a wall sign 42 feet from the base of the
6 building wall and requests a variance.

7 MR. CLEMSON: Correct.

8 MS. MOORE: And that's wall sign mounting
9 height.

10 Blocks and Lots: Our office recommends
11 that the lots be consolidated at this time. The
12 applicant must obtain the correct tax map plates and
13 block and lot numbers from the Tax Assessor. Written
14 verification must be received by our office prior to
15 final review and signatures of the deeds and/or plat.

16 MR. CLEMSON: Yes.

17 MS. MOORE: And you would consolidate by
18 deed or plat?

19 MR. SHEEHAN: Deed.

20 MS. MOORE: And then we would need to
21 review the deed prior to --

22 MR. SHEEHAN: Yes.

23 MS. MOORE: -- our office and also the
24 Zoning Board Solicitor's office. Which you
25 understand with the consolidation, you're still

1 required to do the plan that goes along with
2 Miscellaneous No. 2, complying with the City's
3 "Ordinance Establishing Standards and the Submission
4 of Maps and Other Documents in a Digital Format."

5 MR. SHEEHAN: Yes.

6 MS. MOORE: Fences: Per Section
7 870-197.G, fences shall not exceed 6 feet in height,
8 whereas 8 feet is proposed. The applicant requests a
9 variance.

10 MR. EINGORN: Just tell us where the
11 fence is going to. Just show us on the map.

12 MR. CLEMSON: Sure. I am bringing
13 Exhibit A-1 back up on to the Board. So the fencing
14 would start so, this is the main entrance driveway
15 into the site. So I'm going to start on the southern
16 side. So we have a gate that's about midway along
17 the southerly wall of the building. The fencing
18 would start there and it would go down along the
19 southerly drive to the point where we have a
20 90-degree bend in the driveway.

21 We would head north and then northeast
22 along the driveway system, around the trash enclosure
23 and then back down the easterly side where it would
24 connect to the second keypad-automated gate which is
25 just to the north of where the office is located,

1 which would be in this area here.

2 MR. EINGORN: And the height of the fence
3 would be eight (8) feet all the way around?

4 MR. CLEMSON: Eight (8) feet all the way
5 around.

6 MR. EINGORN: That would need a variance?

7 MR. SHEEHAN: Yes.

8 MS. MOORE: Yes.

9 The fence detail on Sheet 13 should be
10 revised to indicate that the fence fabric and all
11 components shall be black vinyl clad. In addition,
12 our office recommends that references to black
13 privacy slats should be removed.

14 MR. CLEMSON: Agreed.

15 MS. MOORE: Testimony should be provided
16 regarding the exact nature of the proposed business
17 which you provided, including the hours of operation.
18 You mentioned earlier Monday through Saturday, nine
19 to six?

20 MR. TUSTIN: Yes.

21 MS. MOORE: And Sunday was it nine to
22 two?

23 MR. TUSTIN: Ten to two.

24 MS. MOORE: Ten to two.

25 MR. SHEEHAN: That's their office hours

1 and access is a little bit longer than that.

2 MS. MOORE: And then the number of
3 employees?

4 MR. TUSTIN: Two employees.

5 MS. MOORE: And we already mentioned
6 you agreed about the submitting the maps in a digital
7 format.

8 MR. SHEEHAN: Yes.

9 MS. MOORE: And the applicant should be
10 aware that the final signatures of approval and
11 building permits would not be issued until that
12 required information is received?

13 MR. SHEEHAN: Yes.

14 MS. MOORE: The Zoning Board approval
15 signature block on the plans should be revised to add
16 the signature line for the Zoning
17 Officer/Administrative Officer. And the signatures
18 for the owner and Camden County should be removed
19 from the plans.

20 MR. CLEMSON: Agreed.

21 MS. MOORE: Summary of Variances and
22 Waivers. So the variances we have are for fence
23 height, number of parking spaces.

24 MR. EINGORN: And then with the
25 condition of the ghost spaces that we discussed.

1 MS. MOORE: Yes.

2 MR. EINGORN: If they become necessary,
3 the applicant agrees to stripe?

4 MR. SHEEHAN: Yes.

5 MS. MOORE: Parking and loading in access
6 aisle; parking and loading between the front of the
7 building and the street; freestanding sign setback;
8 number of wall signs; size of wall signs; and wall
9 sign mounting height. We have removed the one for
10 the trash enclosure gate.

11 MR. SHEEHAN: Right.

12 MS. MOORE: And waivers I have just the
13 grading within five feet of the property line. We
14 removed the Tree Removal Plan which you'll provide.

15 MR. SHEEHAN: Yes.

16 MS. MOORE: And you're aware of the
17 approval process as listed on page 16?

18 MR. CLEMSON: Yes.

19 MS. MOORE: Outside agency approvals I
20 have as Camden County Planning Board, Camden County
21 Soil Conservation District. I received the
22 information regarding the wetlands, the LOI but we
23 have added for DEP, the Upland Waterfront Development
24 which includes the Flood Hazard Area Review. And the
25 General Permit No. 11 for the stormwater outfalls.

1 And then also, New Jersey Department of
2 Transportation.

3 MR. SHEEHAN: Yes.

4 MS. MOORE: And any others that may be
5 necessary. Am I missing any?

6 MR. SHEEHAN: No. Do we have the
7 County?

8 MS. MOORE: Yes, I did County first.

9 MR. SHEEHAN: That's it.

10 MS. MOORE: So now -- well, that
11 concludes my review but then we're also going to get
12 testimony regarding the variances and waiver
13 requirements.

14 MR. SHEEHAN: I'm going to ask Mr. Remsa
15 to give his name and address and then qualify himself
16 as an expert in professional planning and run through
17 the Positive and Negative Criteria.

18 MR. REMSA: Good evening, Mr. Chairman
19 and Board members. It's good to see you in person as
20 opposed to the two other times I appeared before you
21 virtually. So it's really nice to see everyone in
22 person. My name is Mark A. Remsa. My address is 10
23 Dewberry Court, Mt. Laurel, New Jersey.

24 So we've heard a lot about the
25 description of the property --

1 MR. SHEEHAN: Excuse me, Mark. Can you
2 qualify yourself as an expert?

3 MR. EINGORN: Briefly.

4 MR. REMSA: I've been in the planning
5 field for 43 years. In New Jersey I'm licensed as a
6 professional planner and a landscape architect. I've
7 appeared before numerous planning boards and zoning
8 boards and land use boards throughout the State of
9 New Jersey. I currently serve five boards now all in
10 Burlington County. I've also been qualified as a
11 planning expert in New Jersey Superior Court.

12 MR. EINGORN: Great. The Zoning Board
13 will accept Mr. Remsa as a professional planner.

14 MR. REMSA: Thank you.

15 So Board members, we've heard a lot about
16 the description of the property; all about the
17 signage. So some of the variances here are related
18 to hardship and some are related to what they call a
19 Flexible C, meaning, if you grant them, better zoning
20 would result.

21 So which one is the hardship one? Well,
22 we've got a 50-foot wide flagstaff coming off the
23 roadway. So there's a minimal amount of space we
24 could put a road and then a minimal amount of space
25 we can put the sign. And, unfortunately, we have to

1 squeeze that sign in to provide the adequate roadway
2 entrance and so we end up with that 2.21 foot offset
3 of the sign from the property line.

4 All the other ones are all really related
5 to the nature of the use. They're all related to the
6 self-storage. The self-storage has unique qualities
7 to it. And so if we look at that, for example, the
8 fence height, off the fence height it is eight feet
9 for self-storage. Why? For security reasons of
10 items being stored inside the building.

11 We dealt with the parking. We do have
12 the phantom parking. If necessary, we could supply
13 all required parking spaces but I think we've solved
14 that issue. If we need them, we will stripe them.

15 Parking and loading in the aisle, well,
16 that's related to self-storage. People drive up,
17 they unload their car or truck; they roll up the door
18 and that's the way self-storage works. Same thing is
19 true with the parking and loading between the front
20 of the building and the street. It's just the way
21 entrances are made into the building so people can
22 park next to the building.

23 We talked about the freestanding sign.
24 Now, the wall signs, why do we need such large wall
25 signs? Well, we're over 200 foot back from the road.

1 We've got another commercial operation in front of
2 us. Why do you have the signage? Well, the signage
3 is for identification. And it's really for the
4 motorist to see that's where I need to go. And the
5 size and the height because it has to be up higher so
6 that the vision of the driver can see that. And, of
7 course, the logo adds to the esthetics of the
8 building as well.

9 We eliminated the trash enclosure doors.
10 Good choice. And I talked about the wall-mounting
11 height. So let's jump into the proofs. If we're
12 talking about Flexible C, we have to promote the
13 purposes of zoning. That's in the Municipal Land Use
14 Law, N.J.S.A.40:55D-2. And I'm going to talk about a
15 few of them that relate to this application.

16 G: To provide sufficient space and a
17 appropriate locations for a variety of uses,
18 commercial uses. This particular use provides a
19 service to the population locally and actually
20 regionally. So it's providing that self-storage use.
21 Promote a desirable visual environment. Well, we
22 have the esthetics of the building; the added
23 attractive signage and the landscaping. We've
24 certainly get the landscaping out of the sidewalks
25 and so forth but make sure that the landscaping as

1 proposed, is going to add to the esthetic of the
2 site. That was 'I' by the way.

3 'J': To promote and prevent urban
4 sprawl. Well, this is an area that's zoned for
5 commercial development. This is an area that's
6 developing as a commercial development and will
7 continue to develop. And in this case, the sewer,
8 the utilities, all those things are all nearby and so
9 it helps the use, the property use of the property to
10 help prevent sprawl. It's already in an area that's
11 been developed, although this property is vacant.
12 'M,' that also speaks to the efficient use of land.

13 So if we take all of those that I just
14 talked about, and we come back to 'A,' and that's to
15 promote the health, public safety, morales and
16 general welfare and I believe all these other reasons
17 for the promotion of the Municipal Land Use Law are
18 advanced.

19 Site Suitability. Is this site suitable
20 for a self-storage? I believe it is. It doesn't
21 actually really need all that road frontage. It can
22 actually be put in the back of the flag area. So
23 this property is unique. And that this kind of
24 use will fit perfectly on this site given the height
25 and the signage that's necessary.

1 Negative Criteria. Well, we're suppose
2 to talk about any substantial negative detriment to
3 the public good here. I struggle to find any kind of
4 detriment of putting the self-storage here. I don't
5 think there's any negative impact on the existing
6 commercial uses that surround the property, nor
7 to the basically open space and the water that's to
8 the west.

9 Finally, reconciling with the Master
10 Plan. Your Master Plan has quite a bit. It talks
11 about promoting the economic development, creating
12 the City as a center for retail, wholesale trade.
13 While we're not retail, this complements the other
14 types of retail that's in the area.

15 There's another one in your 2018 Master
16 Plan. It talks about maintaining and attracting
17 jobs. Well, this one does create jobs and it's not
18 as many as the other uses but it does add jobs.
19 Also, it says to address vacant lots in the City.
20 And this is a vacant lot that's within a viable
21 commercial zone.

22 So in conclusion, I believe that we have
23 met all the proofs for the hardship, as well as the
24 Flexible C variances that's associated with this
25 application. Thank you, Mr. Chairman and Board

1 members.

2 MR. SHEEHAN: That concludes our
3 testimony, Mr. Chairman.

4 MR. EINGORN: Thank you.

5 Do the Board members have any question
6 for the applicant related to the information that was
7 provided or anything related to the application in
8 general?

9 MS. MERRICKS: What kind of hours are you
10 open and close to the public when they come and go in
11 there to get their stuff out of storage?

12 MR. TUSTIN: Playing customers would be
13 6:00 a.m. to 10:00 p.m. seven days a week. But the
14 office hours for folks, new customers walking in and
15 out on the street would be the 9:00 a.m. to 6:00 p.m.
16 slot.

17 MR. EINGORN: Any other questions?
18 Hearing none, is there anybody in the public who
19 appeared tonight that would like to be heard on the
20 application of Haddon Property Group, LLC, 2621 Mt.
21 Ephraim Avenue? Hearing none and seeing nobody
22 standing or raising hands, we'll close the public
23 portion.

24 This is an application for preliminary
25 and final site plan. The Board has heard substantial

1 testimony. And there has been one condition
2 discussed which would be related to the ghost parking
3 spaces. Now is the time for the Board to do a
4 discussion of its decision or a motion and a motion
5 to either approve or deny the application.

6 MS. MOORE: I'm sorry. And also the
7 groundwater recharge, we will leave that to DEP.

8 MR. EINGORN: That's correct. I'm sorry.
9 Two conditions.

10 MS. MOORE: Right. In addition to the
11 phantom spaces.

12 MR. EINGORN: Thank you.

13 MS. MOORE: You're welcome.

14 CHAIRMAN HANCE: I'll start with thanking
15 Dena with doing her extra homework cause this would
16 be real long. So I appreciate you.

17 MS. MOORE: You're welcome.

18 CHAIRMAN HANCE: I think we need storage
19 in Camden. The closest one is Pennsauken. And
20 Camden is growing right now; faster than people could
21 imagine. I also say that where it's being located
22 at, it was a black whole back there, vacant and
23 people were dumping stuff back there. So I think
24 it's a great move for Camden. I like it. I can take
25 my storage from Pennsauken and bring it to Camden.

1 That saves me a couple of miles. And gas is high.
2 I think it's a smart move and I really think we need
3 it.

4 REVEREND MARTINEZ: I agree with the
5 Chairman that I think it's great. It looks perfect
6 down in that section down there. That's been vacant
7 there for years. I'm for it. It's great.

8 MS. ALSTON: I wasn't sure on the Pylon
9 sign out front. That is not going to be higher than
10 Auto Zone? Is it going to be the same height as Auto
11 Zone? Or is it going to be higher?

12 MS. MOORE: The freestanding?

13 MS. ALSTON: Are you going to be sharing
14 the same Pylon?

15 MR. SHEEHAN: No.

16 MS. MOORE: The freestanding sign?

17 MR. SHEEHAN: Yes.

18 MS. MOORE: I have the sign height as
19 11.21 feet.

20 MR. TUSTIN: Yes, that's correct.

21 MS. MOORE: It's in the back. You won't
22 see that. You'll see that cube -- you'll see the
23 wall sign before you see the Pylon or the
24 freestanding. I'm sorry.

25 MS. ALSTON: The freestanding?

1 MS. MOORE: Yes.

2 MR. EINGORN: To the extent the Board
3 makes a motion to approve this application, it should
4 be on the conditions of the DEP making a decision on
5 the recharge issue, the ghost spaces and then subject
6 to what was put on the record related to the
7 Remington & Vernick Engineer's letter dated April
8 14, 2023.

9 REVEREND MARTIN: Motion to accept with
10 all conditions.

11 MS. ATWOOD: Second.

12 MR. EINGORN: I'll take a roll-call vote.
13 Chairman Hance.

14 CHAIRMAN HANCE: Yes.

15 MR. EINGORN: Reverend Martinez.

16 REVEREND MARTINEZ: Yes.

17 MR. EINGORN: Ms. Atwood.

18 MS. ATWOOD: Yes.

19 MR. EINGORN: Ms. Merricks.

20 MS. MERRICKS: Yes.

21 MR. EINGORN: Ms. Alston.

22 MS. ALSTON: Yes.

23 MR. EINGORN: Mr. Brito Bueno.

24 MR. BRITO BUENO: Yes.

25 MR. EINGORN: Having six in favor and

1 none opposed, the motion passes. Thank you,
2 gentlemen. Have a nice night.

3 MR. SHEEHAN: Thank you.

4 MR. TUSTIN: Thank you.

5 MS. MOORE: That's it for me.

6 MR. EINGORN: Thank you.

7 The next matter is, As Promised Holdings,
8 LLC, 1600, 1610-1642, 1690 & 1692 Carman Street.

9 MR. WILTSEY: Good evening everyone.
10 Brett Wiltsey from the Obermayer Law Firm. I'm here
11 on behalf of the applicant. We are here for a zoning
12 use variance. We're not here for site plan
13 approval. We're simply asking for a use variance.

14 Quick summary of what we have going on at
15 the property which is 1600, 1610 to 1642, 1690 & 1692
16 Carman Street. We're going to knock down the
17 existing building. It has been vacant for about 30
18 years. And we're going to construct a state-of-the
19 art cannabis cultivation facility. I have two
20 witnesses that I definitely want to have sworn in.
21 I have other witnesses in case there's questions from
22 the Board then maybe we don't need. So would you
23 like to swear in both witnesses now.

24 MR. EINGORN: That would be great.

25 MR. WILTSEY: Give you name and address.

1 MR. PAYTON: Tony Payton, Jr., 830
2 Timbercreek Lane, Wayne, PA 19087.

3 - - -

4 TONY PAYTON, Jr, having first been duly
5 sworn/affirmed, was examined and testified as
6 follows:

7 - - -

8 MR. EINGORN: And the name and address
9 you put on the record are consistent with that
10 affirmation?

11 MR. PAYTON: Yes.

12 MR. EINGORN: And you have another
13 witness here?

14 MR. WILTSEY: Yes, please.

15 MR. EINGORN: Please raise your right
16 hand.

17 - - -

18 MATTHEW WANAMAKER, P.P., having first
19 been duly sworn/affirmed, was examined and testified
20 as follows:

21 - - -

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

24 MR. WANAMAKER: Matthew Wanamaker, 2937
25 Cambridge Street, Philadelphia, PA.

1 MR. WILTSEY: And Matt is our expert
2 planner so I'd like to have him identified as an
3 expert witness as well.

4 MR. EINGORN: Great. Do you want to
5 provide us with a little bit of your credentials so
6 that we can accept you as a professional planner?

7 MR. WANAMAKER: I'm a licensed planner in
8 good standing in the State of New Jersey. I have an
9 Architecture degree from Catholic University. I am
10 currently the planning director at Pennoni at their
11 office in Camden. I've been practicing for the last
12 22 years as a planner.

13 MR. EINGORN: Great. The Board will
14 accept you as a professional planner.

15 MR. WANAMAKER: Thank you.

16 MR. WILTSEY: Tony, I have a quick
17 summary regarding the use of the property. Can you
18 just talk about the hours of operation and what you
19 intend to do when you cultivate the cannabis?

20 MR. PAYTON: Sure. So we intend to build
21 a facility that will be two stories; about 58,000
22 square foot. We're going to run three shifts. So
23 we'll be open 24 hours.

24 CHAIRMAN HANCE: What's the hours? It'll
25 be open 24 hours? You got three shifts.

1 MR. PAYTON: Yes. We'll have a morning
2 shift from kind of 6:00 a.m. to about 2:00 p.m; 2:00
3 p.m. to 10:00; and then there will be an overnight
4 shift.

5 MR. BRITO BUENO: How many jobs?

6 MR. PAYTON: The first phase will be
7 about 75. Once we're fully up and running, we'll be
8 closer to about 125. And we do have a Camden
9 preference for hiring.

10 MR. WILTSEY: Inside there's no retail,
11 correct?

12 MR. PAYTON: Yes. No retail. Just
13 cultivation and then manufacturing.

14 MR. WILTSEY: Not open to the public?

15 MR. PAYTON: Not open to the public.

16 MR. WILTSEY: Any other questions on
17 operations?

18 CHAIRMAN HANCE: Could you explain the
19 cultivation to us?

20 MR. PAYTON: Sure. So we would take --
21 we would have kind of a set of other plants. We
22 would clone those. And once they get above sort of
23 eight inches, we would kind of tag them and identify
24 with the state's seed-to-sale tracking system which
25 is metric. So they go through several different

1 stages. Then we kind of turn them to flower.

2 Once they flower, they sort of flower for
3 a couple of weeks. We then cut them. We cut them
4 and dry them for about seven to, could be up to 14
5 days. Then we send them out for testing. After they
6 run through testing, they have four test panels. So
7 it's microbial, pesticides, heavy metals and then
8 potency. Once they pass potency of industry
9 standards, we then have them shipped to retail
10 locations throughout the state.

11 MR. EINGORN: Can you just tell us your
12 relationship to the applicant? Are you the owner,
13 the principal, a member?

14 MR. PAYTON: So I'm one of the owners and
15 the principal and also the chief operating
16 officer.

17 MR. EINGORN: Thank you.

18 MR. WILTSEY: Any other questions on
19 operations? If not then, Matt, I'd like to bring you
20 up and have you testify a little bit about the
21 current existing zoning as well as Negative and
22 Positive Criterias. This is the Transit-Oriented
23 Development Zone; is that correct?

24 MR. WANAMAKER: Yes.

25 MR. WILTSEY: And is the use currently

1 being used in the Transit-Oriented Development, is
2 that consistent with the DOT Plan in the Ordinance?

3 MR. WANAMAKER: It is consistent.

4 MR. WILTSEY: Is our use that we're
5 proposing, consistent with the current conditions in
6 the zone?

7 MR. WANAMAKER: Yes.

8 MR. WILTSEY: Can you just walk the Board
9 through your analysis of the Negative and Positive
10 Criteria that you testify as a use variance?

11 MR. WANAMAKER: Sure. So this is a
12 parcel that's been under-utilized and this is some
13 economic development that will bring it back to
14 productive use. It seems to be an appropriate use
15 for this location and for this zone and for the
16 surrounding area. It's not within any nearby schools
17 or any uses that are incompatible with this. So
18 overall, returning this property to productive
19 economic use seems to be a benefit.

20 MR. EINGORN: Are those your boards on
21 the side there?

22 MR. WILTSEY: They are.

23 MR. EINGORN: Any chance you can just
24 bring the middle one to the front briefly?

25 MR. WILTSEY: Sure.

1 MR. EINGORN: It looks like there's
2 residential houses abutting this property
3 so-to-speak. Are those occupied; are they owned by
4 the applicant; do we know who those people are? I
5 assume they've been noticed?

6 MR. PAYTON: One of them is occupied and
7 we are awaiting for a response to an
8 offer-to-purchase. And the other one, we have a bid
9 in on the tax lien for it.

10 MR. WILTSEY: That was vacant though,
11 correct?

12 MR. PAYTON: Yes.

13 CHAIRMAN HANCE: After you purchase, what
14 are you going to do with that property?

15 MR. PAYTON: We would demolish it.

16 CHAIRMAN HANCE: And put what there?

17 MR. PAYTON: I think we would put some
18 sort of environmental use or an area for our
19 employees to do lunch or something.

20 MS. ALSTON: I have a question.

21 In regards to the seeds and the cloning and turning
22 them into flowers, are there any smells or is
23 anything...

24 MR. PAYTON: There is a smell within the
25 facility. What we typically do is, we put some very

1 high-quality filters on so you don't really -- if you
2 go by the building, you won't know what's going on in
3 there if you spend the right amount of money with
4 your exhaust system. We make sure that there's no
5 sort of odor of cannabis.

6 MS. ALSTON: Okay. And as far as
7 security getting in and out, do you have security for
8 when you move these flowers? Do you think there's
9 going to be any issues of anyone trying to --

10 MR. PAYTON: There's going to be 24-hour
11 security. So every sort of inch within the facility
12 and the exterior and even sort of extending
13 throughout would be sort of monitored by our security
14 staff. We will have a couple of security guards on
15 staff at all times. And then any time where
16 shipments are out, they're very secured shipments.
17 I don't know that they're armored guard but it's
18 close to sort of armored guards --

19 MS. ALSTON: Secure?

20 MR. PAYTON: -- as you get. Yes.

21 MR. EINGORN: You'd be able to pull those
22 vehicles into the building or you'll load them from
23 the doorway?

24 MR. PAYTON: There will be --

25 MR. EINGORN: I know these are site plan

1 and I apologize. But we're just trying --

2 MR. WILTSEY: That's why we provided some
3 information because we thought these questions would
4 come up.

5 MR. PAYTON: So that's sort one of the
6 uses here. We can pull cars into the facility; kind
7 of load them and they come out.

8 MS. ALSTON: Are you going to do anything
9 vertically or is it just a process that you're going
10 to be using both floors?

11 MR. PAYTON: We'll be using both floors.

12 CHAIRMAN HANCE: Now, this property will
13 also be fenced in?

14 MR. PAYTON: There will be a bit of a
15 fence. I'm not sure how we -- I don't know what the
16 accurate description of it is. It's going to be --
17 the property itself or kind of how the building is
18 constructed, is a certain level of security. Adding
19 an additional fence, I mean, there will be an area
20 that you have to get buzzed in and out of. I guess
21 you could technically call that fencing. I don't
22 know if it's like your traditional perimeter fence in
23 that respect.

24 MS. MERRICKS: How often do you have
25 deliveries?

1 MR. WILTSEY: Traffic on deliveries?

2 MR. PAYTON: So we would get deliveries
3 sort of materials probably, I would say, twice a
4 week. Once you've got your genetics and your clones,
5 everything sort of is self-contained which you would
6 then get deliveries of sort of your nutrients, new
7 lights, those sorts of things.

8 MS. MERRICKS: You said that it will get
9 tested after it turns into a bub, tested on site, or
10 go out or tested on it?

11 MR. PAYTON: We will have some testing
12 capability on-site. But to comply with the state's
13 regulations, you have to send -- so say I have a
14 batch, let's call it, 150 plants. I would have to
15 send a certain, like a certain amount of grams to an
16 independent testing lab. And once it passes the
17 testing lab, then I could then sell that to
18 retailers.

19 MR. WILTSEY: How about shipments? How
20 often do you anticipate shipments leaving the
21 facility?

22 MR. PAYTON: So we would do -- we'd be on
23 a perpetual harvest cycle so we'd have weekly
24 shipments of product.

25 MS. ALSTON: Is there a limit to what you

1 can have in the building by the state?

2 MR. PAYTON: Yes. So you're limited by
3 the tier of license that you have. And we have a
4 Tier 4 for license.

5 MS. ALSTON: Tier 4?

6 MR. PAYTON: Yes. Which that just limits
7 the amount of square foot you can have, the square
8 foot of canopy.

9 MR. EINGORN: And the applicant would
10 remain in compliance with all state requirements?

11 MR. WILTSEY: Of course. Yes.

12 MR. BRITO BUENO: How about parking space
13 for employees?

14 MR. PAYTON: So we are proposing and I
15 think right now it's 110 spots in the lot which is
16 across the street. That will be significantly more
17 than we need at this time because we're going to have
18 different shifts. So at any point in time we may
19 probably take up 45 to 50 of those parking spots at a
20 time.

21 REVEREND MARTINEZ: How many employees
22 are you going to have?

23 MR. PAYTON: To start out, Phase 1 would
24 be about 75. Once we're kind of fully in every
25 aspect of the building, we'd be upwards of 125.

1 REVEREND MARTINEZ: What is the plan
2 about hiring people from Camden?

3 MR. PAYTON: We have a hiring
4 preference -- I mean, we put in our Community
5 Benefits Agreement that we have a preference for
6 hiring Camden locals. You don't have to have any
7 sort of special training for this. And we will
8 provide any of the training. If you're willing to
9 work, we're certainly willing to hire folks from
10 Camden and that's -- you know, we're going to be in
11 with the Workforce Investment Boards and in the
12 newspapers.

13 We're going to have job fares and we're
14 going to get out to any and every community event
15 to put folks to work because this industry is one
16 that is going to provide significant employment. And
17 it behooves us to hire from the neighborhood. I want
18 to hire a lot folks that look like the City of
19 Camden.

20 REVEREND MARTINEZ: Okay.

21 CHAIRMAN HANCE: So in the building, are
22 you going to build it new from ground up or are going
23 to have something that you can build on this that's
24 already there.

25 MR. PAYTON: No. So we're going to

1 knock -- everything that's there is -- I mean, that
2 building, the Harris Foods building is --

3 CHAIRMAN HANCE: Done.

4 MR. PAYTON: Yes. You don't want to --
5 we got to demolish that and then we'll put a new
6 structure on there.

7 CHAIRMAN HANCE: Right. I've been there.
8 I'm familiar with the area. I'm from 28th & Mitchell
9 Street so I'm very close to that area. I'm in South
10 Camden now but when I grew up it was on Mitchell
11 Street. And that area was bombed-in so it's way past
12 due.

13 MS. ALSTON: When are you anticipating to
14 open?

15 MR. PAYTON: So I guess if I were to kind
16 of roll through the time line, if you guys grant us
17 permission to go forward --

18 MS. ALSTON: If everything goes well.

19 MR. PAYTON: If everything goes well, I
20 would say you could have plants in the -- we could
21 have our plants in the ground come January if we move
22 aggressively. Worse case scenario by March we could
23 plant.

24 MR. EINGORN: Any other questions for the
25 applicant? Again, this is a use variance

1 application. It would be conditioned upon the
2 applicant coming back for site plan to the extent
3 that you grant the approvals that they're requesting.
4 Anything? Hearing none, let's open this matter to
5 the public. Is there anybody here tonight from the
6 public that would like to be heard on the matter of
7 As Promised Holdings, LLC, 1600 Carman Street?
8 Hearing none, we'll close the public portion.

9 Again, the applicant has made an
10 application for use variance approval with the
11 condition that they would come back for site plan at
12 a later time. Now is the time for the Board to do a
13 discussion of the Positive and Negative Criteria and
14 to make a motion whether to accept or deny the
15 application.

16 MS. ALSTON: I think it's a positive. I
17 think it's going generate jobs, one. And, two,
18 environmentally, it's going to take care of some of
19 the more painful sites that we have right now.

20 REVEREND MARTINEZ: I agree with my
21 colleague. We do need jobs in the City. And our
22 City needs people and places like this. I'm
23 positive.

24 CHAIRMAN HANCE: When I was a child that
25 area run down. I won't tell you my age now but it's

1 a lot worse. I think it needs an update on it. Jobs
2 are coming into Camden. I just think, again, it was
3 another black hole. Now, that's a flood area also,
4 so are you in front of that area or are you in the
5 middle of that area?

6 MR. PAYTON: We're close to it. So the
7 way -- that's part of kind of what we were
8 considering in the design to make sure that we're
9 above kind of where those floods come in.

10 CHAIRMAN HANCE: So I'll say this.
11 Cannabis is the future, medical and non-medical.
12 It's no worse than alcohol to me. I think alcohol is
13 worse. That's my opinion. So I think it's a smart
14 move for Camden looking towards the future. Not only
15 to give jobs but make us a lot more stronger.

16 MS. ALSTON: Absolutely.

17 MS. ATWOOD: I have a question. Is this
18 for a medical and recreational marijuana that's you
19 will be growing?

20 MR. PAYTON: Yes. We'll serve both
21 markets. So we'll serve both the medical and the
22 recreational. There's functionally no difference
23 between both. It just depends on what strains you
24 grow. But we will serve both the medical and the
25 adult-use markets.

1 CHAIRMAN HANCE: I have a question for
2 you now. So you're saying both medical and
3 whatever.

4 MR. PAYTON: Recreational.

5 CHAIRMAN HANCE: But the difference
6 would be the THC, correct?

7 MR. PAYTON: No.

8 CHAIRMAN HANCE: So you're going to have
9 a small amount of THC and the CBD?

10 MR. PAYTON: Yes. It will be
11 strains-specific. We will have strains that will be,
12 you know, one-to-one, THC to CBD. So we will have
13 strains that are geared towards your medical markets.
14 It'll have your full kind of flavor profiles with
15 Terpenes; very Terpene-rich; very CB heavy.

16 CHAIRMAN HANCE: Thank you.

17 MS. MERRICKS: Are you just doing the
18 marijuana like gummy bears and all that stuff like
19 that?

20 MR. PAYTON: We will have a portion of
21 the building which will be dedicated to
22 manufacturing. We will do like your lozenges, your
23 tinctures, your gummies. You can't do any baked
24 goods or anything like that. Right now you will have
25 a certain amount of gummies. We'll have a gummy

1 machine for sure.

2 MR. EINGORN: Any other comment; a
3 motion?

4 CHAIRMAN HANCE: I make a motion.

5 MR. EINGORN: To?

6 CHAIRMAN HANCE: To accept.

7 MR. EINGORN: On the condition of site
8 plan approval?

9 CHAIRMAN HANCE: Yes.

10 MS. ALSTON: I second it.

11 MR. EINGORN: We have a motion and a
12 second. I'll take a roll-call vote. Chairman Hance.

13 CHAIRMAN HANCE: Yes.

14 MR. EINGORN: Reverend Martinez.

15 REVEREND MARTINEZ: Yes.

16 MR. EINGORN: Ms. Atwood.

17 MS. ATWOOD: Yes.

18 MR. EINGORN: Ms. Merricks.

19 MS. MERRICKS: Yes.

20 MR. EINGORN: Ms. Alston.

21 MS. ALSTON: Yes.

22 MR. EINGORN: Mr. Brito Bueno.

23 MR. BRITO BUENO: Yes.

24 MR. EINGORN: Having six in favor and
25 none opposed, the motion passes. Thank you,

1 gentlemen. Have a great night.

2 MR. PAYTON: Thank you.

3 MR. WILTSEY: Thank you.

4 MR. EINGORN: Good luck with your
5 project.

6 MR. EINGORN: The next matter is 1060
7 Bergen Avenue, LLC. I believe this was omitted from
8 your packets and Evita has printed them for us. I
9 apologize. We will take a five-minute restroom
10 break.

11 - - -

12 (The proceedings are off the record at
13 7:25 p.m.)

14 (The proceedings are back on the
15 record at 7:35 p.m.)

16 - - -

17 MR. CALZARETTO: Good evening members of
18 the Zoning Board of Adjustment for the City of
19 Camden. I'm here tonight because my client, 1060
20 Bergen Avenue, LLC, owns a residential rowhome in the
21 City of Camden. And the property -- actually the
22 front of the property has been used for years as a,
23 more to park a vehicle as has many of the other homes
24 on this same street. And the tenant began parking
25 there.

1 She was told that she could park there
2 and she would need a bulk variance so we applied for
3 a bulk variance and made the necessary notices and so
4 on. I have a little diagram of that property and the
5 next door neighbor that I'd like to hand out and you
6 all have one. Okay.

7 MR. EINGORN: I'm sure we have questions.

8 MR. CALZARETTO: I'm just not quite sure
9 why the City wouldn't allow them to park there
10 because --

11 MR. EINGORN: Is there a curb cut?

12 MR. CALZARETTO: Yes, there's a curb cut
13 and there's the double -- you could see the double
14 gate there. Just when the new tenant moved in, the
15 new tenant was told that they would need a bulk
16 variance. I'm not sure why because it was used for
17 years and years.

18 I think these homes were built in the
19 late 40's or early 50's. And they've always been
20 used to park. In fact, you could see the two pads in
21 the subject property in the photo provided. But we
22 just want to do what the City requested. So we're
23 here tonight just to see if we can -- the tenant can
24 park where people have been parking for years and
25 years.

1 REVEREND MARTINEZ: A question. So this
2 is the only -- that's her car there?

3 MR. CALZARETTO: No. That's the next
4 door neighbor. Her property is 1060. You could see
5 it on the mailbox there if you look at it closely.

6 REVEREND MARTINEZ: So she wants to park
7 her car inside here also?

8 MR. CALZARETTO: Yes. She would like to
9 park like the neighbor does and like there's a number
10 of homes on the same street that have been parking
11 that way for years.

12 CHAIRMAN HANCE: So what you're saying is
13 that there's curb cuts in front of each?

14 MR. CALZARETTO: Oh, yeah. Curb cuts are
15 there. It avoids congestion. It actually allows --
16 what a lot of people do, you can see the next door
17 neighbor, they park one car there and they park
18 another car in front and it kind of like reduces
19 congestion on that street. Kind of has been done for
20 years that way on this particular street. Like I
21 said, I want to do what's right and come before the
22 Board and ask permission.

23 CHAIRMAN HANCE: Right. That makes
24 sense.

25 MR. EINGORN: John, all due respect, how

1 do we get this into the record without somebody
2 identifying?

3 MR. CALZARETTO: I was suppose to have a
4 witness tonight but he had an emergent matter that he
5 had to attend to. I could request an adjournment if
6 you want to. I didn't want this late --

7 MR. EINGORN: Here's the thing. I don't
8 want to have a situation where somebody in the
9 neighborhood doesn't like that they got these, they
10 appeal or something and then we don't have the
11 ability to uphold this on appeal.

12 MR. CALZARETTO: Sure.

13 MR. EINGORN: So I'd feel better, for
14 everybody's sake, if we had a witness to just, you
15 know, get this into the record. So we'll put you on
16 for next month if the applicant will agree to waive
17 the tolling of time. I don't want them just to come
18 back and say I have automatic approval.

19 MR. CALZARETTO: No, no. We'll wait.

20 MR. EINGORN: You'll agree to that?

21 MR. CALZARETTO: We'll waive. I didn't
22 find out until late this afternoon.

23 MR. EINGORN: It's okay. It happens. So
24 we're going to put you on for June.

25 MR. CALZARETTO: That's great.

1 MR. EINGORN: Sorry we couldn't hear you
2 tonight.

3 If you're following along on your agenda,
4 Ronald and Frances Abate will be adjourned to July.
5 The next matter, Genaro Lopez, 1103 N. 20th Street.
6 Proposes an auto repair garage. Is the applicant
7 ready?

8 MR. LOPEZ: Yes.

9 MR. EINGORN: Good evening, sir. Come
10 forward. Please raise your right hand.

11 - - -

12 GENARO LOPEZ, having first been duly
13 sworn/affirmed, was examined and testified as
14 follows:

15 - - -

16 MR. EINGORN: Can you give your name and
17 address for the record?

18 MR. LOPEZ: My name is Genaro Lopez. I
19 live at 1119 North 20th Street, Camden, New
20 Jersey.

21 MR. EINGORN: So the applicant is here
22 tonight requesting use variance approval and bulk
23 variance approval for off-street parking. The
24 applicant has an auto repair shop at the property
25 located at 1103 North 20th Street located in the R-2

1 Zoning District. It's a one-story building. It's
2 vacant and was previously a warehouse. Is that
3 correct?

4 MR. LOPEZ: Yes.

5 MR. EINGORN: Very good. Did you take
6 this photograph, sir?

7 MR. LOPEZ: Yes.

8 MR. EINGORN: Great. I'm referring to
9 the packet. There's a photograph, Camden Cargo
10 Express. Did you purchase the property in this
11 condition?

12 MR. LOPEZ: Yes.

13 MR. EINGORN: Very good.

14 MR. LOPEZ: I also purchased the lot next
15 to the garage. It's 20 by 100.

16 MR. EINGORN: This lot here inside the
17 fence?

18 MR. LOPEZ: Yes.

19 MR. EINGORN: Great. And the metal frame
20 building in the back as well?

21 MR. LOPEZ: Yes. I used to live next
22 door to the garage, 1119.

23 mR. EINGORN: I'm sorry?

24 MR. LOPEZ: I lived next door to the
25 garage.

1 MR. EINGORN: You lived next door to the
2 garage?

3 MR. LOPEZ: I live next door to the
4 garage.

5 CHAIRMAN HANCE: So you said you lived
6 there. So you live on this side here?

7 MR. LOPEZ: Yes, the white house. It's
8 my house for 49 years.

9 MR. EINGORN: And the inside of this
10 property is currently vacant; there's nothing in
11 it?

12 MR. LOPEZ: Yes.

13 MR. EINGORN: How many cars do you think
14 you could park on the side here?

15 MR. LOPEZ: In the back lot it's
16 50-by-50. Then I got 60-by-100. And the other side
17 of the garage is 10-by-100.

18 MR. EINGORN: So a few cars. So you
19 could park a few cars back there then?

20 MR. LOPEZ: Yes. But when I used to have
21 the license before, I only kept ten cars. That's
22 all. And it has to be movable cars because I live
23 next door.

24 CHAIRMAN HANCE: That makes sense.

25 MR. EINGORN: Yes. How many cars can you

1 fit inside the building?

2 MR. LOPEZ: It's 40-by-40. I can put six
3 cars on it.

4 MR. EINGORN: Do you intend to install a
5 lift?

6 MR. LOPEZ: Yes. One lift.

7 MR. EINGORN: How many people are going
8 to work here?

9 MR. LOPEZ: Two. It's not going to be a
10 major repair. Just brakes, spark plugs, oil change.
11 That's all.

12 MR. EINGORN: So more like vehicle
13 maintenance then. Not auto body?

14 MR. LOPEZ: No.

15 MR. EINGORN: You're not beating panels
16 or anything, right?

17 MR. LOPEZ: No.

18 MR. EINGORN: Anybody have questions?

19 REVEREND MARTINEZ: I know exactly the
20 place. And it's kept in pretty good condition. I
21 know the area. So I mean, it's good. I'm for it to
22 see that part of the City down there.

23 CHAIRMAN HANCE: Are there a lot of
24 residents in that area?

25 REVEREND MARTINEZ: No. Because he's in

1 the corner. He lives right on the side. So he's by
2 himself on the corner right there. We approved that
3 for a shipping company; that he came and then he
4 moved to 27th Street. This is a nice property. He
5 owns it. He keeps it clean. I see him and they keep
6 that in pretty good shape.

7 CHAIRMAN HANCE: What's the hours that
8 you would be opened?

9 MR. LOPEZ: It's specifically going to be
10 like eight or nine to eight. That's it.

11 CHAIRMAN HANCE: Is that Monday through
12 Sunday?

13 MR. LOPEZ: Just Monday through Friday.

14 MR. EINGORN: Any questions down here?

15 CHAIRMAN HANCE: You have been a mechanic
16 for how long?

17 MR. LOPEZ: I'm not a mechanic. My
18 brother is.

19 CHAIRMAN HANCE: So you're going to help
20 your brother or?

21 MR. LOPEZ: I'm going to be the one
22 that's going to get the parts. I'm old already.
23 I'm 72.

24 CHAIRMAN HANCE: You're still young.

25 MS. ALSTON: When were these pictures

1 taken?

2 MR. LOPEZ: About a month ago. That's
3 when the guy was there. Because we bought a new
4 place on 27th Street. He moved out.

5 REVEREND MARTINEZ: I mean, I personally
6 know the place. I'm for it to open the place back
7 there. It looks like something is missing. There
8 was something there and then they moved out and they
9 closed it. You drive by it and you say, we need
10 something here. So that's a great chance to bring it
11 back to life. The other thing is, I mean, me saying,
12 this needs to be painted and needs to be more --

13 MS. ALSTON: Esthetically pleasing.

14 REVEREND MARTINEZ: Yes. I know he
15 will --

16 MR. LOPEZ: The guy painted it two
17 colors. And I painted it like orange.

18 CHAIRMAN HANCE: We will definitely find
19 you.

20 MR. EINGORN: Anything more from the
21 Board? Hearing none, we'll open this matter to the
22 public. Is anybody in public here tonight to be
23 heard on the application of Genaro Lopez 1103 North
24 20th Street? Hearing no members of the public, we'll
25 close the public portion.

1 At this time, the Board will discuss the
2 Positive and Negative Criteria of the requested use
3 variance of whether or not the Board believes that
4 the applicant has demonstrated sufficient off-street
5 parking. Otherwise, a bulk variance would be
6 needed.

7 REVEREND MARTINEZ: Well, I'm for it
8 knowing that he has the land, the parking space or
9 whatever. Knowing that he don't want to use no more
10 than six, seven cars in there. Not like the other
11 place that we passed that I was talking to you about,
12 that it looks so bad. I mean it is. And this is
13 huge compared to that place. So I'm for it.

14 CHAIRMAN HANCE: I'm going to piggyback
15 on my colleague here. I think any time that you're
16 going to do small repairs, brakes, oil, headlight,
17 whatever the case may be, it's always good to bring
18 something back to life.

19 MR. LOPEZ: Yes. I think people need a
20 little work on their cars no matter if you buy a new
21 car.

22 CHAIRMAN HANCE: That's true. It's
23 expensive. I'm for it also. I think it's a great
24 idea that young men like you can still keep it
25 moving.

1 MR. LOPEZ: Thank you for the young man.

2 MS. ALSTON: I guess my only concern is
3 some of the oils and some of the product that you're
4 going to be using, just making sure that they get
5 properly disposed of and not end up like around.
6 That's one of my, I guess, concerns.

7 MR. LOPEZ: I didn't hear you.

8 MR. BRITO BUENO: How are you going to
9 dispose the oil?

10 REVEREND MARTINEZ: They said it in
11 English perfect. What are you going to do with the
12 oil? When you change the oil, how are you doing to
13 dispose of it?

14 MR. LOPEZ: I got a container. I got one
15 of those house tanks. We do the oil change here. We
16 walk here. We got a funnel and we put it in there.
17 We don't walk with the oil. That's the point the I
18 hate, oil, tires, and brakes. I got a drum that I
19 put the brakes in. One for the oil; one for the
20 anti-freeze; and one for the brakes.

21 MR. EINGORN: And somebody picks that up
22 to dispose of it?

23 MR. LOPEZ: Yes. It's a company on
24 Federal Street. They pay me for it. They give
25 \$190.00 for the whole full tank.

1 MR. EINGORN: Okay.

2 MR. LOPEZ: I don't put no anti-freeze or
3 water. It got to be pure oil.

4 REVEREND MARTINEZ: They use that for oil
5 to run the system. In the wintertime, they use that
6 oil to -- my cousin, he's got a company and that's
7 how he warms up the place.

8 MS. ALSTON: Thank you.

9 MR. LOPEZ: They come in with a truck.

10 MR. EINGORN: So, again, the Board has to
11 make a determination as to the use variance and then
12 either a bulk variance for parking or a determination
13 that there's sufficient parking on the property.

14 REVEREND MARTINEZ: He got the property
15 so sufficient parking on the property.

16 MR. EINGORN: Is there a motion?

17 REVEREND MARTINEZ: Motion to pass.

18 MS. ATWOOD: Second.

19 MR. EINGORN: So it's a motion to pass
20 the use variance. And is there a determination that
21 there's sufficient parking or are we granting a bulk
22 variance?

23 CHAIRMAN HANCE: I think we're going to
24 grant a bulk variance?

25 MR. EINGORN: Okay. So the motion is for

1 a use and bulk variance?

2 CHAIRMAN HANCE: Yes.

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

4 Chairman Hance.

5 CHAIRMAN HANCE: Yes.

6 MR. EINGORN: Reverend Martinez.

7 REVEREND MARTINEZ: Yes.

8 MR. EINGORN: Ms. Atwood.

9 MS. ATWOOD: Yes.

10 MR. EINGORN: Ms. Merricks.

11 MS. MERRICKS: Yes.

12 MR. EINGORN: Ms. Alston.

13 MS. ALSTON: Yes.

14 MR. EINGORN: Mr. Brito Bueno.

15 MR. BRITO BUENO: Yes.

16 MR. EINGORN: Having six in favor and
17 none opposed, the motion carries. Congratulations,
18 sir. Good luck with your business.

19 MR. LOPEZ: Thank you very much.

20 MR. EINGORN: The next matter is Lowinsky
21 Minier, 3821 Mt. Ephraim Avenue. For the record, the
22 agenda is mismarked. It should be 3821 Westfield
23 Avenue.

24 MR. IZZO: Charles Izzo, appearing for
25 the applicant, Mr. Lowinsky Minier.

1 MR. EINGORN: Mr. Minier, please raise
2 your right hand.

3 - - -

4 LOWINSKY MINIER, having first been duly
5 sworn/affirmed, was examined and testified as
6 follows:

7 - - -

8 MR. EINGORN: Your name and address,
9 please.

10 MR. MINIER: Lowinsky Minier, 3821
11 Westfield Avenue, Camden, New Jersey.

12 MR. IZZO: Mr. Minier, you're here
13 tonight with this application for your mixed use
14 property on Westfield Avenue?

15 MR. MINIER: Yes.

16 MR. IZZO: And how long have you owned
17 this property?

18 MR. MINIER: 24 years.

19 MR. IZZO: During that period of time
20 that you've developed it, you have been before this
21 Board before about this property?

22 MR. MINIER: Yes.

23 MR. IZZO: And what's going on at the
24 property right now?

25 MR. MINIER: Right now I'm proposing on

1 the side of 39th Street to finish three apartments.
2 It's going to fill the whole entire building. As you
3 see the building, they have like an L-shape. It's
4 empty right there the house because we have two
5 apartments on the white building. So we're going to
6 ask for three over here so then the building will be
7 complete.

8 MR. IZZO: Mr. Minier, when the members
9 are looking at the front of the building on Westfield
10 Avenue with all those different businesses, you're
11 not proposing to do anything to that front
12 Westfield Avenue side?

13 MR. MINIER: No. This is on the 39th
14 Street. Because the building is an L-shaped
15 building. We have 39th Street and we have Westfield
16 Avenue. Westfield Avenue has the commercial space.

17 MR. IZZO: When they're looking at the
18 Westfield Avenue side, is the Board looking at a row
19 of apartments that are already there?

20 MR. MINIER: Yes. They're already
21 there.

22 MR. IZZO: How are you going to modify
23 that row of apartments?

24 MR. MINIER: Well, like I said, this is
25 going to be on like 39th Street. We have the

1 L-shaped building. We have a big gap on the building
2 so we're going to complete and square the whole
3 entire building.

4 MR. IZZO: You're going to build up on
5 the roof of the apartments that are there already?

6 MR. MINIER: On top of it. We're going
7 to use --

8 MR. IZZO: You're going to build two
9 levels on top of the roof?

10 MR. MINIER: Two levels, yes.

11 MR. IZZO: How many apartments will that
12 add to the 39th Street?

13 MR. MINIER: Three new apartments.

14 MR. IZZO: How many apartments are
15 already there on the ground level?

16 MR. MINIER: We have three on the first
17 floor so we're going to add another three on the
18 second floor.

19 MR. IZZO: When you developed your
20 existing apartments which are both on Westfield and
21 39th, did you come to this Board for permission to
22 build those apartments?

23 MR. MINIER: When I bought it 24 years
24 ago they had everything in the building.

25 MR. IZZO: But didn't you change it

1 around a little bit?

2 MR. MINIER: I change a little bit all
3 the time. I've been changing.

4 MR. IZZO: And did the Zoning Board look
5 at those plans for the change?

6 MR. MINIER: Yes.

7 MR. IZZO: Did they --

8 MR. MINIER: They looked at all the
9 construction.

10 MR. IZZO: Did the Zoning Board look at
11 your parking plans?

12 MR. MINIER: Yes.

13 MR. IZZO: Were they approved?

14 MR. MINIER: Yes. We have plenty parking
15 spaces at the church. Plus the last time we came
16 here, I added I don't remember how many.

17 CHAIRMAN HANCE: Let me try to remember.
18 Is this is where you added a beauty salon and
19 something?

20 MR. MINIER: No. This is going to be on
21 39th Street.

22 CHAIRMAN HANCE: But when you came
23 before, wasn't it a beauty salon or?

24 MR. MINIER: No. I came here to buy --
25 there used to be a big apartment on the second floor.

1 So I explained to have one five-bedroom and one
2 two-bedroom.

3 MR. IZZO: To answer the Chairman's
4 question, there is a beauty salon in the property?

5 MR. MINIER: Oh well, that's in the
6 front.

7 CHAIRMAN HANCE: That's in the front.

8 MR. MINIER: That's considered a
9 commercial.

10 MS. MINIER: I would like to speak.

11 CHAIRMAN HANCE: That young lady came up
12 here before.

13 MR. MINIER: Oh, yeah, years ago.

14 CHAIRMAN HANCE: If she speaks, she has
15 to be sworn in.

16 MR. EINGORN: Please raise your right
17 hand.

18 - - -

19 TAISHA MINIER, having first been duly
20 sworn/affirmed, was examined and testified as
21 follows:

22 - - -

23 MR. EINGORN: Name and address for the
24 record.

25 MS. MINIER: Taisha Minier, 3821

1 Westfield Avenue.

2 So the last time we were here because we
3 were dividing one apartment into two because it was a
4 five-bedroom apartment.

5 CHAIRMAN HANCE: Right.

6 MS. MINIER: So we converted the
7 five-bedroom apartment into three and a two-bedroom.
8 So we're here today to add to the empty space that we
9 already have on the building on the second, to add
10 three apartments on top of the building which
11 everything is already in place.

12 We already have the meters, the PSE&G
13 meters. We already have the street parking already
14 approved for the church in our previous application
15 that we have enough parking spaces for that. And
16 then we also already have -- you know, we're building
17 on top of an already existing structure so that's
18 what we're trying just to accomplish here.

19 CHAIRMAN HANCE: Okay.

20 MS. MINIER: And, yes, I am the one with
21 the beauty salon. So that's the plan.

22 MR. EINGORN: So here's the question.
23 You need six additional parking spaces on top of what
24 we've already brought before us. Do you have the
25 ability to provide six additional spaces for the

1 three new units?

2 MS. MINIER: We had already in place with
3 the letter because dividing the apartment that we
4 have, we had already the other parking spaces in that
5 letter because we had this coming up. So in total,
6 we already have the spaces available to park there.

7 MR. EINGORN: How many spaces do you
8 have?

9 MS. MINIER: We have -- from the church
10 we had ten spaces. And then in the back we have for
11 each apartment we have --

12 MR. MINIER: We have like 18 in the
13 back. Remember, in front of the building, we also
14 have like another ten cars for parking.

15 MR. EINGORN: Street parking doesn't
16 count, though.

17 MR. MINIER: Okay.

18 MR. EINGORN: I missed how many you have
19 in the back. Can you repeat that?

20 MR. MINIER: It's on the blueprint.

21 MS. MINIER: I don't want to say the
22 wrong number but I know when we did the letter from
23 the church, we had already the additional parking
24 spaces for this future project. Because that was
25 something that was already in the works. He's been

1 trying to do this for years now. So when we got the
2 letter, we got it for the two apartments that we had
3 on top and for the future apartments.

4 MR. IZZO: This is the blueprint that
5 says 19 spaces on your block. I'm not talking about
6 a church. On your block.

7 MS. MINIER: On your backyard, yes.

8 MR. EINGORN: So you have 19 spaces on
9 the site and then how many at the church again? Ten?

10 MS. MINIER: Ten. So it's 29 spaces,
11 yes. And you're explaining, you have an arrangement
12 with the church. Is that still in place?

13 MS. MINIER: Yes. We have a letter -- we
14 provided the letter on our last project.

15 MR. IZZO: What was the arrangement you
16 had with the church?

17 MS. MINIER: We can park there Monday
18 through Sunday. Just on Sundays when they have
19 service that, you know, to move the cars. But right
20 now, the church is not even like having services.

21 MR. EINGORN: So looking at this
22 photograph here --

23 MS. MINIER: So the empty square, we just
24 want to complete that.

25 MR. EINGORN: Is that going to be above

1 the height of the pre-existing?

2 MS. MINIER: Yes. It's going to be flush
3 with that height.

4 CHAIRMAN HANCE: The same height?

5 MS. MINIER: Yes.

6 MR. EINGORN: So it will be a consistent
7 height all the way across the front?

8 MS. MINIER: Yes, exactly.

9 MR. IZZO: We are submitting the
10 questions from the Board now, I believe.

11 MR. MINIER: The parking issues, we have
12 no problem because across from us, like I said, is
13 the church. They have a big, big parking lot. If we
14 need a couple more spaces, they will provide an
15 agreement with us.

16 MS. MINIER: We made it into their lot.

17 MS. ALSTON: Kyle, are we doing a change
18 of use also if there's nothing up there?

19 MR. EINGORN: I don't know that it's a
20 change of use because they're using it already for
21 residential and commercial.

22 MS. ALSTON: So that doesn't even apply,
23 right, No. 3 on the --

24 MR. EINGORN: But I have to look at
25 what's allowed in the C-1 Zone. But I think what

1 they're doing is, they're intensifying a
2 nonconforming use so I think that's really what might
3 be going on here which is why the use variance is
4 required.

5 MS. ALSTON: Okay.

6 MR. EINGORN: And then -- well as it
7 relates to change of use, there's a part of our
8 Ordinance which says, any time that there's a change
9 of use, I guess in this case it would be an
10 intensification of a nonconforming use, you require
11 site plan approval. Now, the applicant has requested
12 a site plan waiver.

13 And, again, I'll refer back to 870-42:
14 Site plan waiver is appropriate if the applicant can
15 clearly demonstrate that because of peculiar
16 conditions pertaining to the land, the literal
17 enforcement of the Ordinance is impracticable or will
18 exact undue hardship, the Planning Board or Zoning
19 Board may permit such exemptions and waivers as may
20 be reasonable within the general purpose and intent
21 of the rules, regulations and standards and may waive
22 the requirements for site plan approval where there
23 is a change in use or occupancy and no extensive
24 construction or improvements or Di Minimus
25 construction or improvements.

1 And the waiver can only be granted upon a
2 resolution by the Board's finding that the use will
3 not affect existing drainage, circulation,
4 relationship of the buildings to each other,
5 landscaping, buffering, lighting and other
6 considerations of site plan approval. And that
7 existing facilities do not require upgraded or
8 additional site improvements. The application for a
9 waiver shall include a discussion of the prior use of
10 the site, the proposed use of its impact. And it can
11 only be granted at a public meeting which is
12 tonight. Tonight is a public meeting obviously.

13 MS. MINIER: Yes. Like I mentioned, we
14 already had like from when we started building on to
15 the building, we already had the meters established a
16 long time ago. Because this is something that we
17 were going to, you know, have in the works. And then
18 with the water and all that, we're just going to use
19 the same what we already have. So it's just really
20 adding to what we have and completing it. So it's
21 not really like doing a full-grounded construction.

22 MR. MINIER: We're not extending the
23 building. We're using the same footprint of the
24 building. That's one of the reasons that we use
25 the plans. Because we are using the same footprint

1 of the entire building. So we are just going to
2 add up to the empty gap of the building. That's all.

3 MS. MINIER: The picture in front of the
4 building on Westfield Avenue where the white part is
5 at, that's basically what we want to complete on the
6 side of the building to complete that square.

7 CHAIRMAN HANCE: Let's go back to your
8 meters. You have three additional meters?

9 MR. MINIER: They are already in
10 place. We have three meters, three electrical meters
11 and three gas. And the water, we have two-inch.

12 CHAIRMAN HANCE: Do you have a picture
13 for me?

14 MR. MINIER: Well, it's on the building.
15 If you see --

16 MS. MINIER: We can provide that.

17 MR. MINIER: We can provide that.

18 MS. MINIER: Those were established back
19 in -- well, we bought the building in 2000. When we
20 started the construction, that was probably like in
21 2004-2005 that we had that already there for the
22 future.

23 CHAIRMAN HANCE: I need a picture of
24 that.

25 MS. MINIER: Of all the meters, yes.

1 CHAIRMAN HANCE: And I need a picture of
2 the back parking lot. You gave me the back of the
3 building but you didn't give me the full parking
4 lot.

5 MR. EINGORN: So one of the things that
6 I'm concerned with is that, you're increasing the
7 height of the structure in an area that we can't see
8 what kind of light, air and space it may be blocking
9 the neighbors. So I think what the Board needs to
10 see also is, what's going on around the building.
11 Right? Because one of the requirements is the
12 relationship of the buildings to each other. So I
13 think the Board needs to see what's across the
14 street, what's behind the parking lot that might be
15 looking forward over the building now, things like
16 that. Right?

17 MR. MINIER: Yes.

18 MS. MINIER: So you mean like taking a
19 picture from on top of the actual roof on the
20 sides?

21 MR. EINGORN: That would be great.

22 MS. MINIER: We can do that, yes.

23 MR. MINIER: We are really not blocking
24 nobody.

25 CHAIRMAN HANCE: But we have to see it.

1 MR. EINGORN: We also need to know what
2 the plans are for drainage because you're changing
3 the roof structure so where is water going to go?

4 MR. MINIER: I have that on the plan
5 through the engineer, structural engineer. He
6 designed and we went to check to be able to put
7 on --

8 MR. EINGORN: Mr. Vid Al is no stranger
9 to this Board if you want to bring him.

10 MR. MINIER: Mr. Vid Al was the
11 architect.

12 MR. EINGORN: Yes, I know.

13 MR. MINIER: The engineer that came --

14 MS. MINIER: So what he's trying to say
15 is that the engineer that came to do the analysis
16 when we started with the idea of building the three
17 apartments, what we already have in place because
18 when we started this, this was always something that
19 we were going to do in the future. It's already --
20 it had the capacity to be able to build and still be
21 able to use what we have.

22 MR. EINGORN: And then if you're going to
23 put in any lighting, exterior lighting --

24 MR. MINIER: We already have the
25 PSE&G lighting outside that gives us the actual

1 lighting towards the building just to have -- that we
2 actually saved for which is the street parking -- the
3 street pole.

4 MR. EINGORN: You're not proposing any
5 additional lighting when you -- outdoor lighting?

6 MR. MINIER: No.

7 MS. MINIER: No. Because we already paid
8 for that one which gives us enough lighting for the
9 building.

10 MR. EINGORN: Anything else the Board
11 wants to see? No.

12 MS. MINIER: And just keep in mind, this
13 is bringing more residencies for the Camden
14 residents. It's something that it's a plus that we
15 actually need. It's not something that we're
16 reinventing the wheel to do. We're getting some
17 different kind of business.

18 CHAIRMAN HANCE: So we need those
19 pictures.

20 MS. MINIER: We can definitely provide
21 the pictures from the roof from all angles. That's
22 one. And then from the back.

23 CHAIRMAN HANCE: We need the parking lot.

24 MS. MINIER: Okay.

25 MR. EINGORN: And don't forget the

1 meters.

2 MS. MINIER: The meters, yes.

3 MR. EINGORN: And the discussion of how
4 the roof is going to drain. Is it going to go into
5 the combined system; is it going to run off into the
6 street; are there gutters; are there downspouts? We
7 need to see that because that's part of your --

8 MS. MINIER: One more time. The question
9 you need to see what?

10 MR. EINGORN: The drainage from the roof.

11 MR. MINIER: The drainage is going to the
12 spout because we have a trough in the entire whole
13 entire yard. When I bought the building everything
14 was existing; was there.

15 MR. EINGORN: But now you're changing the
16 roof. You're making it taller so we need to see
17 that.

18 MR. MINIER: No problem.

19 MS. MINIER: Okay.

20 MR. EINGORN: Knights Crossing Homes
21 Partners, LLC, 1532 Bradley Avenue. The applicant
22 proposes a duplex; requesting a nonconforming --
23 Certificate of Nonconforming Use. Mr. Izzo, I'll
24 have the witness sworn. Please raise your right
25 hand.

1 property was bought, it was figured that it's a
2 two-unit property. There's like a unit on the first
3 floor; there's a unit on the second floor. And it's
4 one bedroom on the first floor; one bedroom on the
5 second floor. So we applied for zoning. And the
6 zoning, you know, came back as we had to go for a
7 nonconforming use.

8 So then we went back and figured out what
9 other pre-existing condition of the property. So we
10 pulled out -- we requested the property card from the
11 City of Camden. And the property card showed, if you
12 look at Slide No. 3 on your presentation, it does
13 show that the property was listed as a two-unit
14 property on the property card. We also requested the
15 CCMUA records.

16 Slide No. 4 shows that the property was
17 being charged as a two-unit property. The CCMUA has
18 been charging \$109.50 which is for a duplex. So that
19 also shows that the property was a duplex. We also
20 went to PSE&G and requested the copy of the bills.
21 And you can see on Slide No. 5 that there are two
22 bills, separate bills for Unit A and Unit B.

23 The next slide, Slide No. 6 is the layout
24 of the property, first floor, second floor. There is
25 a dining room, there's a kitchen and bathroom in each

1 unit. That's the layout for the property. Slide
2 No. 7 is a front photo that shows that there are two
3 electric meters on the property. Slide No. 8 shows
4 that there is a fire exit in the back of the
5 property. And then we also took a picture of an
6 adjacent property that shows all the properties in
7 that row are pretty much duplexes. And there are
8 fire exits on the back of the property.

9 And then we have a couple of photographs
10 from inside the first floor, second floor. And as
11 you can see it indicates pretty much complete
12 renovation at this point in time. And the last
13 slide, Slide No. 11 is a basement photo of where we
14 have two electric panels and we have two gas meters.
15 So all the exhibits clearly demonstrate that the
16 property was as a preexisting duplex. We're
17 requesting that it should be granted nonconforming
18 relief use. Thank you.

19 MR. IZZO: So at all times after you
20 owned the property, it has been unoccupied and empty?

21 MR. KALSI: Yes, it has been empty.
22 We're just waiting for the zoning to be approved so
23 that we can do the construction renovation.

24 MR. IZZO: And what is the construction
25 that you're proposing?

1 MR. KALSI: So the renovation is all
2 cosmetics. It's just sheetrock, you know, putting in
3 a kitchen, new bathroom, flooring, painting. It's
4 just cosmetic. The mechanicals are good. We have
5 electricity in the property. We have water. We have
6 gas. Just getting in there and getting the work
7 done.

8 MR. IZZO: And what about that structure
9 on the back that looks like a fire escape but it's
10 not in good condition. What about that?

11 MR. KALSI: The fire escape that we have
12 on the back, for some reason, it's missing the steps
13 going down. So we're going to be putting in the
14 steps coming down from the first escape.

15 MR. EINGORN: So the Board has seen these
16 requests for Certificates of Nonconforming Use in the
17 past. Usually it happens where there's a change in
18 the zoning after the fact, and the applicant wants to
19 continue the current existing use despite what the
20 change in the zoning says.

21 In this case, a duplex is allowed in an
22 R-2 Zone but it looks like there's a Parkside
23 Redevelopment Plan noted in the denial letter.
24 Doctor Williams isn't here but I'm going to assume
25 that this area of the Parkside Redevelopment Plan

1 does not permit duplexes. And so at some point the
2 duplex was probably legal because it's in the R-2
3 Zone. And since it has been changed due to the
4 Redevelopment Plan --

5 MS. ATWOOD: For more of an extensive
6 explanation, I've lived there at 1536. One side of
7 the street is all one- bedroom duplexes. The
8 opposite side of the street is all single-family
9 homes. And I'm pretty sure they were built back in
10 like 1926.

11 MR. EINGORN: So you can confirm that
12 they've been duplexes for a long time?

13 MS. ATWOOD: Yes, because I lived there
14 for many years.

15 MR. EINGORN: Great. Are there questions
16 from the Board regarding this application?

17 CHAIRMAN HANCE: You said you purchased
18 the property when -- how long?

19 MR. KALSI: It was back in April of
20 2022.

21 CHAIRMAN HANCE: We have three meters
22 here. Is this the same property that you're showing
23 me or is that a different house that you're showing
24 me?

25 MR. KALSI: No. That's a different

1 house.

2 CHAIRMAN HANCE: But it's showing me
3 still the three meters that it has?

4 MR. KALSI: Yes.

5 MS. ALSTON: Would this be something like
6 the hardship? Would this apply in this case where --

7 MR. EINGORN: The standard here is, did
8 the property exist in the condition that's being
9 requested prior to the change in zoning? Right?

10 MS. ALSTON: And it has.

11 MR. EINGORN: And it seems from the
12 testimony and from Ms. Atwood confirming that these
13 properties have been duplexes for a quite a long
14 time. I think it's safe to assume from the evidence
15 presented, that this is a preexisting nonconforming
16 use that preexisted through the Parkside
17 Redevelopment Plan.

18 MS. ALSTON: Okay.

19 MR. EINGORN: Are there any other
20 questions for the Board or for me or for the
21 applicant?

22 Let's open this to the public. Is
23 anybody in the public here tonight to be heard on the
24 application of Knights Crossing Home Partners, LLC
25 regarding 1532 Bradley Avenue? Hearing none, we'll

1 close the public portion.

2 Now is the time for the Board to either
3 adopt the recitation I just made and make a motion or
4 do a motion to deny based upon some other evidence we
5 don't have in the record. But I think it's pretty
6 clear that this is a preexisting nonconformity and it
7 does seem that a Certificate of Nonconforming Use is
8 appropriate.

9 REVEREND MARTINEZ: I say a motion to
10 adopt. I mean, it has been like that forever.

11 MS. ALSTON: I second it.

12 REVEREND MARTINEZ: I'm for it.

13 MR. EINGORN: We have a motion and a
14 second. I'll take a roll-call vote to grant the
15 Certificate of Nonconforming Use. Chairman Hance.

16 CHAIRMAN HANCE: Yes.

17 MR. EINGORN: Reverend Martinez.

18 REVEREND MARTINEZ: Yes.

19 MR. EINGORN: Ms. Atwood.

20 MS. ATWOOD: Yes.

21 MR. EINGORN: Ms. Merricks.

22 MS. MERRICKS: Yes.

23 MR. EINGORN: Ms. Alston.

24 MS. ALSTON: Yes.

25 MR. EINGORN: Mr. Brito Bueno.

1 MR. BRITO BUENO: Yes.

2 MR. EINGORN: Having six in favor and
3 none opposed, the motion carries. Thank you, sir,
4 and have a nice night.

5 MR. KALSI: Thank you.

6 MR. EINGORN: 5 Star Properties, LLC,
7 3320 Federal Street proposes five apartments.

8 MS. LEVAN: Good evening, members of the
9 Board. Melanie LeVan with the Law Firm of Earp Cohn,
10 on behalf of 5 Star Properties, LLC. We're here for
11 a use variance tonight.

12 The LLC is the owner of 3320 Federal
13 Street in the C-1 Zone. It was prior used for five
14 dwelling units and it has been vacant from a fire for
15 several years. And the owners would like to
16 rehabilitate the house, restore it to a five-unit and
17 provide housing for the community.

18 I have with me two members -- well, one
19 member of the LLC and the director of operations for
20 the LLC. So I'll have them sworn in. Pedro Rosario
21 is the owner of the LLC, one of the members and
22 Lorenz Komischke is the director of operations. So
23 you'll state your name and address and then the
24 solicitor will swear you in.

25 MR. ROSARIO: My name is Pedro Rosario.

1 I live at 523 Hollywood Avenue in Cherry Hill, New
2 Jersey.

3 MR. KOMISCHKE: My name is Lorenz
4 Komischke. I live at 3 Baker Street, Lawrence
5 Township, New Jersey 08618.

6 MR. EINGORN: Please both raise your
7 right hand.

8 - - -

9 PEDRO ROSARIO; LORENZ KOMISCHKE, having
10 first been duly sworn/affirmed, was examined and
11 testified as follows:

12 - - -

13 MS. LEVAN: So Mr. Rosario, you are one
14 of the members of 5 Star Properties, LLC. And that
15 LLC or other LLCs that you are also a member of, own
16 several properties, in fact, more than several in
17 Camden; is that right?

18 MR. ROSARIO: Yes.

19 MS. LEVAN: How many properties do you
20 own through LLCs?

21 MR. ROSARIO: Through LLCs just in the
22 City of Camden, 82 units.

23 MS. LEVAN: Eight-two units which is
24 about 53 properties containing 82 units?

25 MR. ROSARIO: Yes.

1 MS. LEVAN: So you're well-familiar with
2 finding properties, rehabilitating them and renting
3 them out?

4 MR. ROSARIO: Yes. We have been doing
5 this for the last seven years in the City of Camden.
6 We have properties and just making it look great
7 again.

8 MS. LEVAN: All right. And you bought
9 this property about two years ago; is that right?

10 MR. ROSARIO: Yes.

11 MS. LEVAN: And when you bought it, there
12 had been a fire prior to your purchase?

13 MR. ROSARIO: Yes.

14 MS. LEVAN: And because of the fire, the
15 property is uninhabitable?

16 MR. ROSARIO: Correct.

17 MS. LEVAN: And even though you have done
18 the repair work so that there's not mold, there's not
19 issues in that light, it still cannot be repaired
20 when you went to the zoning department to get your CO
21 and permits, you were denied because it is a
22 multi-family in the C-1. And the C-1 does not permit
23 multi-family use; is that right?

24 MR. ROSARIO: Correct.

25 MS. LEVAN: And additionally, the zoning

1 denial letter also stated that you did not have
2 sufficient off-street parking; is that right?

3 MR. ROSARIO: Correct. Yes.

4 MS. LEVAN: And we're going to get to the
5 off-street parking. You did purchase a vacant lot
6 directly behind the property to provide parking?

7 MR. ROSARIO: Yes.

8 MS. LEVAN: We'll talk about that in a
9 little bit. So we noticed for a variance for the
10 parking. If for whatever reason the Board feels that
11 the parking we're providing behind is no longer
12 adequate, but we don't feel we are going to need a
13 variance for that and we have some pictures and we'll
14 talk about that in a second.

15 So in addition to the zoning, you had
16 occupants in the property that were not legally in
17 the property. This was during COVID and it took
18 quite some time to get those folks out; is that
19 right?

20 MR. ROSARIO: Yes. It took us a year.

21 MS. LEVAN: A year to remove the
22 unauthorized occupant in the property?

23 MR. ROSARIO: Yes.

24 MS. LEVAN: So you've had quite a bit of
25 hold up in getting this property renovated and back

1 on to the market and housing the community?

2 MR. ROSARIO: It has been two years.

3 MS. LEVAN: You also have grown up in
4 Camden yourself; is that right?

5 MR. ROSARIO: Yes. I went to Woodrow
6 Wilson and now it's known as East Side High. So I'm
7 a guy from Camden and I've lived in Camden all my
8 life.

9 CHAIRMAN HANCE: What part of Camden did
10 you live in?

11 MR. ROSARIO: East Camden.

12 CHAIRMAN HANCE: East Side?

13 MR. ROSARIO: Yes.

14 MS. LEVAN: So the property according to
15 tax records, was built in 1955; is that correct?

16 MR. ROSARIO: Correct.

17 MS. LEVAN: I don't know when the C-1
18 Zone was implemented. Typically, most municipalities
19 in New Jersey, it has been in the late 40's, early
20 50's when they came in. So we're not exactly sure
21 this is a preexisting nonconforming use because we
22 just don't have the records, but it has been around
23 long time. It probably predates your C-1 Ordinance.
24 The C-1 Ordinance does permit residential use. It
25 permits single-family; it permits duplex use and it

1 permits two-family use. Is that right?

2 MR. ROSARIO: Yes.

3 MS. LEVAN: And there are other
4 residential uses around your unit; is that
5 correct?

6 MR. ROSARIO: Yes, right to the left of
7 the property, you have a seven-unit without parking.
8 Right across the street you have a church. They have
9 leased parking. Right next to our property just on
10 the corner you also have multi-family with no
11 parking. And they had a Bodega on the bottom.
12 None of the properties have parking which has been
13 there for years for me as well.

14 MS. LEVAN: And when we address parking,
15 we're going to talk about that in a moment.

16 Immediately surrounding the C-1 Zone are
17 other residential zones; is that correct?

18 MR. ROSARIO: Correct. Yes.

19 MS. LEVAN: So that if you were looking
20 up and down Federal Street, behind Federal Street,
21 you would see other multi-family properties and other
22 residential uses?

23 MR. ROSARIO: Yes.

24 MS. LEVAN: So this multi-unit and you
25 plan to restore the property to the five units?

1 MR. ROSARIO: I'm not adding any units.
2 I'm just restoring whatever was there and just put in
3 everything brand new.

4 MS. LEVAN: And we did provide with the
5 application, pictures of the property and the floor
6 plans. I don't know if the Board has that. We have
7 additional copies if the Board needs it.

8 THE BOARD: We have them.

9 MS. LEVAN: Everybody is good. Great.
10 So you can see pictures of the house.
11 You're not proposing to change anything on the
12 exterior of the home?

13 MR. ROSARIO: No.

14 MS. LEVAN: The fire did damage that in
15 the way that requires repair?

16 MR. ROSARIO: Just the inside.

17 MS. LEVAN: Just the inside needs to be
18 restored. And those units are going to be in the
19 basement, first floor, second floor. And is there a
20 third floor on this as well?

21 MR. ROSARIO: Yes. And that's where the
22 units are going to go, correct?

23 MR. ROSARIO: Correct.

24 MS. LEVAN: In addition to restoring the
25 property so that you can provide housing for the

1 community and for that zone, you did purchase a
2 vacant lot behind Federal Street; is that correct?

3 MR. ROSARIO: Yes.

4 MS. LEVAN: And you did, again, provide a
5 parking plan for this with your application. If
6 anyone needs extra copies, we do have them. And
7 something that wasn't provided with the application
8 that I have copies of and I'd like to send these out.
9 There's a picture of that lot. I had it marked as
10 A-3 because I didn't know if we needed A-1 and A-2
11 but we'll call it A-1.

12 MR. EINGORN: This is a photograph of --
13 this is taken from Google Maps; is that correct?

14 MR. ROSARIO: Correct.

15 MS. LEVAN: Since it's from Google Maps,
16 it is, I think --

17 MR. KOMISCHKE: From 2021.

18 MS. LEVAN: 2021. But the condition is
19 roughly the same; is that correct?

20 MR. KOMISCHKE: Exactly the same.

21 MS. LEVAN: So you do see there's cars in
22 there so there is access to this parking -- this lot
23 that you purchased directly behind the house, there
24 is a driveway from Federal Street; is that correct?

25 MR. ROSARIO: Yes.

1 MS. LEVAN: So the occupants of Federal
2 Street can access this lot for their cars from
3 Federal Street?

4 MR. ROSARIO: Yes.

5 CHAIRMAN HANCE: One question. The house
6 is on the side or is it behind?

7 MS. LEVAN: So that view is actually
8 taken not from Federal Street but from --

9 MR. ROSARIO: 34th Street.

10 MS. LEVAN: 34th Street, correct, because
11 that's the easiest way to see it. It's a somewhat
12 narrow driveway. It wouldn't have been very easy to
13 photograph it from Federal. You can see it much
14 easier from 34th Street.

15 CHAIRMAN HANCE: So this is the same?

16 MS. LEVAN: Correct. You can access the
17 parking lot from 34th Street as well; is that
18 correct?

19 MR. ROSARIO: Yes.

20 MS. LEVAN: The curb, I don't know if
21 it's an official curb cut or the curb has just
22 degraded to the point where it is accessible, but it
23 is accessible from 34th Street as well.

24 How many cars would you say that you can
25 fit back there?

1 MR. ROSARIO: Approximately 50 to 20.

2 MS. LEVAN: And for the five-units the
3 denial letter stated that you need eight to ten
4 cars?

5 MR. ROSARIO: Correct.

6 MS. LEVAN: So you have more than
7 sufficient parking for your planned restoration?

8 MR. ROSARIO: Yes.

9 MS. LEVAN: Since you've purchased the
10 property and it has been vacant this time, have you
11 had any problems with the break-ins?

12 MR. ROSARIO: Yes.

13 MS. LEVAN: Tell us a little bit about
14 that.

15 MR. ROSARIO: They broke in the
16 property. They stole a couple things that my
17 contractors left in there. When they tried to clean
18 up the property, I guess they'd seen people just
19 jumping in there to try to fix it and they just went
20 in there and just started breaking things. Twice; it
21 happened twice.

22 MS. LEVAN: And were the property fully
23 occupied as intended, one would hope the break-ins
24 would be less?

25 MR. ROSARIO: Excuse me?

1 MS. LEVAN: I said, if the property was
2 fully occupied, that would help with minimizing
3 break-ins and other problems?

4 MR. ROSARIO: Yes that would minimize the
5 break-in. No one would break into a property that
6 has occupants.

7 MS. LEVAN: Right. So one of the -- just
8 to address the use variance criteria, the 2018
9 re-examination of the Master Plan did identify
10 diminishing neighborhood and housing conditions as
11 one of the issues to be addressed. Obviously, a
12 vacant property that has fire damage and cannot be
13 occupied, is not a great thing. And the Master Plan
14 recognizes that having fully-restored and occupied
15 properties is improving that neighborhood; would you
16 agree?

17 MR. KOMISCHKE: Yes, I definitely agree.

18 MS. LEVAN: One of the other issues
19 identified in the Master Plan re-examination was
20 public safety, crime and perception of safety. And
21 one of the things that the Master Plan identifies is
22 helping to improve that, would be restoring
23 properties to reduce blight. So would you also as
24 property developers, agree tha restoring property
25 would assist with lessening crime and improving

1 blight?

2 MR. KOMISCHKE: Yes, I would agree. I
3 mean, kind of in context, it's a pretty large
4 building on Federal Street. If you've driven on
5 Federal, you definitely you see that. It's a big
6 five-unit Victorian-styled building and right now
7 it's boarded up. And it has to be that way because
8 we don't want people breaking in. If we're able to
9 get this variance, we can rehabilitate this and take
10 those boards off and make it look really nice.

11 It's one of the, I would say, most
12 significant blighted properties on that street,
13 especially on that block. If you look on the zoning
14 map, the C-1, it has like a block title area. So
15 it's only that little area where you have these like
16 multi-family buildings and commercial buildings and
17 this happens to be like one of like six that are in
18 that dilapidated state. And we really think if it's
19 going to be fixed up, the blight would be removed
20 from that property forever.

21 MS. LEVAN: Thank you.

22 And last on the 2018 Master Plan
23 Re-examination, it did note that the single-family
24 homes are declining by about 35.7 percent and
25 multi-family demand is increasing by 36.2 percent.

1 So even though this is zoned single-family, are you
2 finding in property development especially all the
3 units you have in Camden, the demand for multi-family
4 is more than the demand for single-family?

5 MR. KOMISCHKE: I would agree. I think
6 people also just like the safe aspect of being in an
7 apartment building. There's always going to have
8 other people nearby. I would even touch on the
9 affordable aspect of it. These aren't like
10 five-bedroom units that are going to be real
11 expensive. These are like one's and two's so that
12 they're affordable to the people don't even have that
13 much money.

14 MS. LEVAN: I'm going to touch on the
15 Positive and Negative Criteria. But before I do
16 that, did anybody have any questions for either of
17 the witnesses?

18 CHAIRMAN HANCE: Yes. My first question
19 is, you said you're going to have a unit in the
20 basement?

21 MR. ROSARIO: No, no. We don't have a
22 unit in the basement.

23 MS. LEVAN: I might have misspoken there.
24 I was trying to remember how many floors there were.
25 It's shown on the floor plans. I think the basement

1 is only for utilities and mechanicals.

2 CHAIRMAN HANCE: My other question is
3 about the parking. You purchased the lot. I see a
4 ton of cars here. So are you going to fence that off
5 just for your tenants?

6 MR. ROSARIO: Yes. There's no cars there
7 now. That picture was taken -- when we purchased it,
8 there was a bunch a cars there. We put out notes and
9 everybody just moved their cars. All of them cars
10 there belong to the building that owns it. It's like
11 a seven-unit next to ours and they don't have
12 parking. That's all their tenants in there.

13 CHAIRMAN HANCE: Right.

14 MR. ROSARIO: They don't park there.
15 Only the tenants there.

16 CHAIRMAN HANCE: Answer my question: Are
17 you going to put a fence there?

18 MR. ROSARIO: Yes, we will put a fence
19 there.

20 CHAIRMAN HANCE: It's going to be a
21 problem.

22 MS. LEVAN: We discussed that. I agree
23 in that people are going to park there whether they
24 should be or not, correct. And so whether it's
25 leading signs that it's for residents of the property

1 only.

2 CHAIRMAN HANCE: So you'll have a co-sign
3 or something up there?

4 MS. LEVAN: Yes.

5 MR. ROSARIO: We have them already. We
6 have three signs. I think the fence will definitely
7 be a good idea to prevent unauthorized people from
8 parking.

9 MS. LEVAN: Since you purchased it, have
10 you noticed a problem with people parking there?

11 MR. KOMISCHKE: I wouldn't think so. I
12 mean, when we bought it there were like six cars. We
13 noticed all of them. The next day they're all gone.
14 So there's no abandoned cars. And even if they were
15 abandoned, we know how to go through the legal system
16 and make sure those cars are removed. But we haven't
17 had any issues currently.

18 CHAIRMAN HANCE: Thank you. Positive --

19 MR. EINGORN: Before we get to that. Is
20 this something you took off of Google Maps?

21 MR. KOMISCHKE: Yes.

22 MR. EINGORN: Okay. Great. And there's
23 an outline in red?

24 MR. KOMISCHKE: Yep.

25 MR. EINGORN: And it looks like there's

1 two additional lots that are shaded in here bordered
2 in red. They're labeled 11 and 13. Are both of
3 those lots owned by the applicant?

4 MR. KOMISCHKE: No. One of them is.
5 Eleven is. The one that's directly adjacent to our
6 building.

7 MR. EINGORN: Okay. And then I'm
8 assuming this isn't consolidated with the lot which
9 you're speaking about?

10 MR. KOMISCHKE: Correct.

11 MR. EINGORN: So in order to avoid the
12 fact that you might be putting a nonconforming
13 parking lot where it would be the primary use,
14 you'd have to consolidate the lot.

15 MS. LEVAN: We can consolidate them.
16 Because that means the lots would be sold together
17 which you would want it to be anyway because you
18 can't use -- you can't use that parking lot for
19 building anyway. I think it's too small to build
20 on. So we don't have a problem with that.

21 MR. EINGORN: To the extent that there's
22 a motion to approve, you would agree to a condition
23 of approval as to consolidating these lots?

24 MS. LEVAN: Yes.

25 MR. KOMISCHKE: Yes.

1 MR. EINGORN: That would avoid some
2 headaches later.

3 MS. LEVAN: Agreed.

4 MR. EINGORN: In addition, in order to
5 make it a legal parking lot, you most likely need
6 City Council approval. And likely for the curb cut
7 that may not be here.

8 MS. LEVAN: The one on 34th Street?

9 MR. EINGORN: Yes.

10 MS. LEVAN: If we have to go to City
11 Council, we can certainly do that. Again, there's a
12 driveway from Federal Street that is a curb cut and
13 that's how the lot is properly accessed. So there is
14 access off of Federal Street.

15 MR. EINGORN: Okay. That's something to
16 explore.

17 MS. LEVAN: Okay.

18 CHAIRMAN HANCE: It's going to be one in
19 and one out, the same lot off of Federal Street?

20 MS. LEVAN: Is it wide enough for two
21 cars to go the same time in and out? I wouldn't
22 think so? Yes, it would be one in and one out.

23 CHAIRMAN HANCE: So how would you know
24 when someone is coming out?

25 MS. LEVAN: Well, we can either put

1 mirrors if the Board wants to make that a condition
2 of approval; that we would have one of the mirrors so
3 that you can see what's coming in and out. I'm sure
4 you'd be amenable to that.

5 MR. ROSARIO: Yes.

6 MS. LEVAN: Are there any other questions
7 from the Board?

8 And, again, you've heard the testimony
9 about how this fits in with the Master Plan
10 objectives to diminish blight, increase safety and
11 security. You've heard from the witnesses that the
12 property has been used for residential use since
13 1955. It blends in with the neighborhood. There are
14 residential uses on the same street and surrounding
15 it. So that it will indeed fit in with the
16 neighborhood.

17 This will promote for the Positive
18 Criteria, the establishment of appropriate population
19 densities under 'E.' It will also contribute to the
20 well-being of persons, neighborhoods and
21 communities. Again, all under 'E.' Also the under
22 Section A, to encourage municipal action for the
23 appropriate use and development to promote the
24 public health, safety, morales and general welfare.

25 And under 'I,' to promote a desirable

1 visual environment through good civic design. And,
2 again, taking the blighted fire-damaged vacant
3 property, restoring it and allowing it to be used to
4 house the community, is all Positive Criteria under
5 the Municipal Land Use Law.

6 There is very little Negative. It has
7 been used for a five-unit residential use since
8 1955. It's part of the neighborhood. It's restoring
9 to what was there so there's very little Negative
10 Criteria. There's no exterior renovations so there's
11 not going to be any addition for water runoff or any
12 impervious coverage. It's not going to create any
13 issues with regard to height. Nothing is changing on
14 the outside. In fact, it's going to look better and
15 it's going to be improved from what it was.

16 REVEREND MARTINEZ: How long ago was
17 there a fire in that place?

18 MR. ROSARIO: Two years ago.

19 MS. LEVAN: So we would argue that this
20 use variance satisfies both the Positive and Negative
21 Criteria and it's not inconsistent with the intent
22 and purpose of the Master Plan and the Zoning
23 Ordinance. And that the public benefits of the
24 application would substantially outweigh the negative
25 aspects, any negative aspects that you could find of

1 the proposed use by purchasing the lot behind it to
2 provide parking. We're also assisting with
3 getting -- it didn't have parking before, correct?
4 It was a five-unit property without parking?

5 MR. KOMISCHKE: Without parking, yes.

6 MS. LEVAN: So now we are increasing the
7 off-street parking for the neighborhood as well.

8 MR. EINGORN: Any additional questions
9 from the Board?

10 MS. ALSTON: I was just thinking about
11 lighting maybe in the back area there for the people
12 that come back there.

13 MS. LEVAN: In the parking area?

14 MS. ALSTON: Yes, in that parking area
15 just for that.

16 MS. LEVAN: Would you able to put
17 lighting in the back of the house so that would
18 eliminate darkness back there?

19 MR. ROSARIO: Yes.

20 MS. ALSTON: Since you're going to have
21 so many people that are going to be going in and out
22 of --

23 MS. LEVAN: They can install lighting in
24 the back of the house. It does back up against other
25 properties that they don't own so they can't

1 necessarily really put -- that's not their unit.

2 MS. ALSTON: So it's out here?

3 MS. LEVAN: Correct.

4 MS. ALSTON: I thought this was --

5 MS. LEVAN: That's not their unit. So,
6 again, because the driveway off of Federal is
7 somewhat narrow, the picture would not have been very
8 helpful to the Board.

9 MS. ALSTON: So it goes this way?

10 MS. LEVAN: Correct. So we're showing
11 you the lot because it's more visible from 34th
12 Street.

13 MS. ALSTON: Oh, I get it.

14 MS. LEVAN: I don't know the feasibility
15 for putting other kinds of lighting back there.

16 MR. BRITO BUENO: I think a flood light
17 would be good.

18 MS. LEVAN: A flood light off the
19 property?

20 MS. ALSTON: Yes.

21 MS. LEVAN: And it would be -- a flood
22 light, it would be appropriately angled so it
23 wouldn't be shining at someone else's property as
24 well. It could a motion light, I imagine. It could
25 be on all evening. Whatever the Board would want.

1 Whether you want it motion-triggered or timed or
2 however you want it. And we would accept that for
3 sure, of course, as a condition of approval.

4 MR. EINGORN: Any other questions? We'll
5 open it up to the public. Is anybody in the public
6 here tonight to be heard on the application of 5 Star
7 Properties, LLC, 3320 Federal Street?

8 MR. EINGORN: Good evening, sir, please
9 come forward. Please raise your right hand.

10 - - -

11 LEE PRATT, having first been duly
12 sworn/affirmed, was examined and testified as
13 follows:

14 - - -

15 MR. EINGORN: Give your name and address
16 for the record.

17 MR. PRATT: My name is Lee Pratt. I
18 currently live at 1617 Norris Street. I have lived
19 at 3320 Federal Street for 47 years. I lived there
20 when the place caught on fire. I lived there prior
21 to it. Prior to the place being on fire, it was
22 called Bittner Plumbing Company.

23 I moved there in 1980. Carton's Hardware
24 Store, he helped me move into the apartment after I
25 was a troubled child. So I went to get my GED at the

1 Commerce Hall. I had to go to classes. I had to go
2 see the judge. I had to be a good boy. I had no
3 choice. So he helped me get the apartment. I stayed
4 there from 17 to 47. I've been there and I bought
5 the property next door. My plan was to buy that
6 property next door, live there and that was it. I'm
7 going to teach the rest of my life from what I
8 learned from fixing cars, fixing houses and fixing
9 computers. That's what I'm going to do.

10 Now, he wants to make that a five-unit.
11 It was never a five-unit. It was a two-unit. It had
12 apartments on it which Kenny Lee, the prior owner to
13 the property turned closets into bedrooms. So when
14 codes came down, they gave him a book of fines; a
15 book of tickets that he could not do. So he had to
16 tear all that out and redo the property.

17 Now, the basement is full. It's three
18 sections. The second floor is where I lived. That's
19 a two-bedroom apartment. The third floor is the
20 attic. For that apartment on the side, was a storage
21 room full of bottles, tools and equipment. So if
22 he's going to use that as an enter and exit part of
23 his place, where are the people coming in from the
24 back, on one side or the other side? Because the
25 right side of his property shrinks ten feet to the

1 rear. Now, the property behind him is a 40 by 100.
2 Next to him is a 205 by 21 -- 205 by 40 in the front
3 and 205 by 58 1/2 in the back. So that narrows that
4 property and it narrows his property at this point in
5 time today. His fence is still across the property
6 line by three feet.

7 So the driver's side on the driver's
8 side, the driver's side entrance on the driver's side
9 is wide enough for maybe one or two cars. On the
10 passenger side, I have five cars in there cause it
11 goes back straight back. Now if he purchased the lot
12 behind there, I have no problem with that. He could
13 have it. I got no problem with it. But at the same
14 time for me to access my property, I have to come
15 across his property. So the lot next to that, he
16 owns Lot 23. Lot 24 is empty. So, therefore, that
17 can be used. But then, again, it can't be used cause
18 it's other people's property. You can't encroach on
19 other people's property. That is the law; am I
20 correct?

21 So for me I don't really have a concern
22 with what he wants to do. I think five units is too
23 much for that building. But for me, he can do what
24 he wants to do. I just don't want him on the
25 property line. I want to have my own piece; my own

1 property. I have enough room to be left alone.

2 That's all I want. Thank you.

3 MS. LEVAN: Does the Board want any
4 further testimony in light of Mr. Pratt's questions?

5 CHAIRMAN HANCE: Yes.

6 MS. LEVAN: There are floor plans
7 included with the application. And the floor plans
8 show the sizes of all of the rooms. In addition, of
9 course, when they do the rehab, they will have to get
10 construction permits and Certificate of Occupancy
11 permits. So all of that will be addressed during the
12 construction phase in terms of the size of the rooms
13 and the units. I'm not clear, but Mr. Pratt, I do
14 not believe, owns property directly adjacent to our
15 property. The parking is successful through our
16 property. We don't have to go through anyone else's
17 property to get there.

18 REVEREND MARTINEZ: How many rooms are in
19 each unit?

20 MS. LEVAN: They're different sized
21 bedrooms so I'll Mr. Komischke talk about that.

22 MR. KOMISCHKE: In total it's ten
23 bedrooms. If you can see on the first page, we have
24 a packet and it's going to be --

25 MS. LEVAN: Do you want --

1 REVEREND MARTINEZ: It's okay.

2 MS. LEVAN: Oh, you have it.

3 MR. KOMISCHKE: It's just ten bedrooms
4 for five units.

5 REVEREND MARTINEZ: So each unit is going
6 to have what, two bedrooms?

7 MR. KOMISCHKE: It's different. So the
8 third floor is going to be like a one-bedroom. And
9 then the bottom floor is bigger so it's going to be a
10 like three-bedroom. Even though.

11 MR. ROSARIO: At the time of the fire,
12 this property was being occupied by five apartments.
13 The only reason why it's not five apartments is
14 because of the fire. That's the only thing.

15 MS. ATWOOD: Is there a proof of
16 ownership of the lots that you plan to park on.

17 MS. LEVAN: Yes. We submitted the deed
18 with the application. And if you do not have it, we
19 can certainly -- I don't know that I brought the deed
20 with me today, but we can certainly send it as a
21 condition of approval if you need it. But we
22 submitted that, I believe, with the application.

23 MR. EINGORN: And since they may be
24 required as a condition of approval to consolidate
25 the lots, they have to own them to do that anyway.

1 MS. ATWOOD: Okay.

2 MR. EINGORN: So your condition to
3 consolidate would take care of that issue.

4 MS. MERRICKS: How are you going to
5 handle the easement that Mr. Pratt said?

6 MS. LEVAN: I'm not clear what easement
7 Mr. Pratt would be needing so I'll leave that to him,
8 I guess.

9 MR. PRATT: I apologize. This is my
10 first meeting ever.

11 MR. EINGORN: That's okay. I'm trying to
12 find the picture. Can you just come forward, Mr.
13 Pratt. This is the applicant's property, correct,
14 this here?

15 MR. PRATT: Yes.

16 MR. EINGORN: And this is the driveway,
17 this blue where I'm pointing. I'm color blind. I'm
18 assuming that's blue.

19 MR. PRATT: This is the driveway to the
20 left side but there's a driveway on the right-hand
21 side. I own Lots 3314 and 3312.

22 MS. LEVAN: Well, hold on. We'll
23 just --

24 MR. PRATT: My deed is --

25 MS. LEVAN: That's all right.

1 MR. EINGORN: Wait. Hold on. Before we
2 fight over it --

3 CHAIRMAN HANCE: This isn't --

4 MR. PRATT: Okay.

5 MR. EINGORN: So you're not concerned
6 about this or this. You're concerned about over
7 here?

8 MR. PRATT: Yes, to the right side of
9 that.

10 MR. EINGORN: You live here?

11 MR. PRATT: I own both of these lots next
12 door there.

13 MR. EINGORN: Can you show me here?

14 MS. LEVAN: I believe they're vacant.

15 MR. PRATT: They're vacant cause I was
16 planning to --

17 MS. LEVAN: No. But I'm just saying --

18 MR. EINGORN: Okay. They're vacant?

19 MR. PRATT: Yes, they are. The two lots
20 to the right side but I have a picture. But the van
21 on the right side -- the driveway on the right
22 side -- yeah, that's a better picture. The driveway
23 on the right side, the angle goes to the left so,
24 therefore, the rear of his property comes to a
25 smaller dimension. Same thing with 3310, her

1 property is 40 feet in the front and 39 in the rear.

2 MR. EINGORN: I'm not worried about that
3 so let me ask you this. Let me ask the applicant.
4 This area here, this driveway part, you don't have
5 any intent to do anything with that, right?

6 MR. KOMISCHKE: No. That's where the
7 mailboxes go. Nobody is going to be parking there or
8 living there.

9 MR. ROSARIO: He owns Lot 3312 so between
10 my property and his lot, it's 3314. He doesn't own
11 that.

12 MR. PRATT: It's on my deed. I do own
13 it.

14 MS. LEVAN: We're not going to get into
15 that right now.

16 MR. EINGORN: We don't need to fight over
17 that because we're not here for that tonight. You
18 guys can do that elsewhere. So does that answer your
19 question about this? Because they're coming here.

20 MR. PRATT: Right. If they're going to
21 use that, I have no problem with that.

22 MR. EINGORN: Okay.

23 MR. PRATT: That's what I'm saying. The
24 left side of this, it falls to the right angle. You
25 know what I'm saying?

1 MR. EINGORN: That's fine.

2 MR. PRATT: For him to use the front lot
3 on this side, he's only got one or two parking spots.

4 MR. EINGORN: You're not intending to use
5 that?

6 MS. LEVAN: No, we're not using that
7 driveway. We're only using this one here.

8 MR. PRATT: My only concern is that you
9 take your fence off of my property line that's on
10 that side.

11 MR. KOMISCHKE: We have a survey so we
12 will review the survey.

13 MS. LEVAN: We can talk about that.
14 I submit that's not a Zoning Board matter.

15 MR. EINGORN: That's a State Court
16 matter. You guys can work that out.

17 MS. LEVAN: Perfect.

18 MR. EINGORN: Anybody else in the public
19 that would like to be heard on this application?
20 Hearing none, we will close the public portion. Now
21 is the time for the Board to do a discussion of the
22 Positive and Negative Criteria related to the use
23 variance. And then a determination as to the
24 parking. To the extent it seems that there's
25 sufficient parking to the extent that you condition

1 the application on consolidating the lots. Right?

2 The other conditions that were
3 discussed were the mirrors for parking, lot
4 consolidation, City Council -- exploring City Council
5 for the parking lot and then lighting for the parking
6 area. Those were the conditions that were discussed
7 tonight. So, again, we need a discussion of the
8 Positive and Negative Criteria related to the use
9 variance for the five units. And then a motion if to
10 grant including the conditions that I just
11 discussed.

12 REVEREND MARTINEZ: Under what we had
13 talked about, this place, I mean, I agree with the
14 condition as what we discussed about the variance and
15 the mirrors on the side and all the conditions. I'm
16 for it.

17 MR. EINGORN: So you're in favor of
18 granting the use variance?

19 REVEREND MARTINEZ: In favor of, yes.

20 MR. EINGORN: Anybody else want to weigh
21 in?

22 MS. ALSTON: I'm just not sure whether I
23 have enough that shows that there were five units
24 there.

25 MR. EINGORN: So let's ask this.

1 MS. ALSTON: I don't know if I'm missing
2 the paperwork or... I know that I'm here. There was
3 intention before the fire but not necessarily that
4 there were five units.

5 MR. EINGORN: So the floor plans that are
6 provided --

7 MR. KOMISCHKE: So as it currently stands
8 right now without us touching it.

9 MR. ROSARIO: Before the fire, it was
10 operating as five units before the fire.

11 MR. KOMISCHKE: So this is not like
12 proposed. This is actually what it is right now.

13 MS. ALSTON: This is what it is right
14 now?

15 MR. KOMISCHKE: Yes.

16 MR. ROSARIO: Yes.

17 MR. EINGORN: Did you do an OPRA request
18 to see if there was Certificates of Occupancy for the
19 five units?

20 MS. LEVAN: We have not.

21 MR. EINGORN: Did you check the previous
22 tax cards?

23 MS. LEVAN: The previous tax records, we
24 checked it for the date of when the building was
25 built. I don't believe it was -- it was just

1 multi-family. It didn't say how many units were in
2 there.

3 MR. EINGORN: Does that answer some of
4 your questions?

5 CHAIRMAN HANCE: Would it have had
6 separate meters for each unit?

7 MR. KOMISCHKE: Yes.

8 MR. EINGORN: The meters, it doesn't have
9 to be separate meters for every unit, right, if the
10 landlord is going to pay a proportion. And that's
11 more of a -- well, there might be evidence of
12 separate units but it's not really a condition that
13 we're concerned with other than for that evidence,
14 right? Because Code Enforcement will come through
15 and they'll decide once they do their permitting and
16 all of those other items.

17 MS. LEVAN: There are five separate
18 meters on the building right now; is that correct?

19 MR. ROSARIO: Yes.

20 MR. EINGORN: There you go.

21 REVEREND MARTINEZ: That answers my
22 question.

23 MR. EINGORN: And then if you look at
24 page 7 of the floor plans, it does indicate there are
25 five water heaters and five electrical panels in the

1 basement.

2 CHAIRMAN HANCE: For the future, bring in
3 pictures?

4 MS. LEVAN: Pictures of the inside?

5 CHAIRMAN HANCE: Yeah, the meters, hot
6 water heater.

7 MS. LEVAN: Sure.

8 CHAIRMAN HANCE: It just makes it so much
9 easier.

10 MS. LEVAN: Understood.

11 CHAIRMAN HANCE: I'm going to go with,
12 it's positive. Again, if a neighborhood is being
13 destroyed by homeless or whatever the case may be,
14 I'd rather have someone live in there than to have my
15 house or someone's house burn down. It's going on
16 all over the City.

17 In my neighborhood there was a house that
18 burned down across the street, kaddy-corner, around
19 the corner. On Karl Miller Blvd. it was house that
20 put someone out, an older woman, that has been there
21 for decades; put her out on the street with no where
22 to go because someone went in the house next door and
23 try to get warm and set it on fire.

24 So I think it's a positive thing to get
25 Camden strong again. We need to fill these homes

1 because we could lose lives. And it's happening all
2 over the world. I think it's a smart move. And talk
3 to your neighborhood. It's good to communicate with
4 your neighbor. That's a free thing. He won't get
5 charged for that.

6 MR. EINGORN: Especially because he wants
7 to build next to you, right? So maybe he builds
8 something nice and you guys have a harmonious
9 relationship, right?

10 MR. ROSARIO: No problem. We get along.

11 CHAIRMAN HANCE: Positive gets you so
12 much more. It really does. You can't judge a book
13 by its cover, right?

14 MR. ROSARIO: I agree.

15 MS. ALSTON: I do. I agree with you and
16 what you're saying. I think it's something that is
17 needed in the City. There's the need for the homes
18 and the apartments. And as you said, affordable,
19 right? This has two bedrooms so this is the way it
20 was, but this is what you want. Like I'm trying to
21 understand. This has two bedrooms but then this has
22 one.

23 MR. ROSARIO: Bathroom.

24 MS. ALSTON: That's the bathroom?

25 MR. ROSARIO: Yes.

1 MS. ALSTON: And then two bedroom and a
2 bathroom?

3 MR. KOMISCHKE: Yes.

4 MS. ALSTON: And this is what exists
5 there now?

6 MR. KOMISCHKE: Yes. All the framing is
7 done and it's all there.

8 MS. ALSTON: Okay. I agree with you,
9 Chairman Hance.

10 MR. EINGORN: Do we have a motion?

11 REVEREND MARTINEZ: Motion to pass with
12 all the conditions as stated a while ago.

13 MR. EINGORN: Okay. Do we have a second?

14 CHAIRMAN HANCE: Second.

15 MR. EINGORN: I'll take a roll-call vote.
16 Chairman Hance.

17 CHAIRMAN HANCE: Yes.

18 MR. EINGORN: Reverend Martinez.

19 REVEREND MARTINEZ: Yes.

20 MR. EINGORN: Ms. Atwood.

21 MS. ATWOOD: Yes.

22 MR. EINGORN: Ms. Merricks.

23 MS. MERRICKS: Yes.

24 MR. EINGORN: Ms. Alston.

25 MS. ALSTON: Yes.

1 MR. EINGORN: Mr. Brito Bueno.

2 MR. BRITO BUENO: Yes.

3 MR. EINGORN: Having six in favor and
4 none opposed, the motion carries.

5 MS. LEVAN: Thank you. We will submit a
6 Deed of Consolidation for your approval.

7 MR. EINGORN: Thank you so much. Next
8 matter, Johanna Rivera, 101 N. 21st Street.

9 MR. IZZO: Charles Izzo for the
10 applicant.

11 MR. EINGORN: Would you like the
12 applicant to be sworn?

13 MR. IZZO: Yes.

14 MR. EINGORN: Please raise your right
15 hand.

16 - - -

17 NATALIE SIACA, having first been duly
18 sworn/affirmed, was examined and testified as
19 follows:

20 - - -

21 MR. EINGORN: Please state your full name
22 and address for the record?

23 MS. SIACA: My name is Natalie Siaca.
24 I'm the property manager for JRM Property Management.

25 MR. IZZO: The application was signed by

1 Johanna Rivera. The property is owned by a company
2 that Ms. Rivera owns which is JRM Property
3 Management. Ms. Natalie Siaca just introduced
4 herself as the property manager for the company.

5 Ms. Siaca, we're here with an application
6 for 101 N. 21st Street. Do you know about that
7 property?

8 MS. SIACA: Yes.

9 MR. IZZO: And what's the present
10 condition of the property?

11 MS. SIACA: It's vacant.

12 MR. IZZO: Vacant?

13 MS. SIACA: Yes.

14 MR. IZZO: Is it ready to be occupied?

15 MS. SIACA: Not at the moment.

16 MR. IZZO: You've distributed some photos
17 to suggest there's extensive construction to be
18 undertaken and completed there; is that correct?

19 MS. SIACA: Yes.

20 MR. IZZO: And did you retain a
21 contractor to look at the property for you?

22 MS. SIACA: Yes.

23 MR. IZZO: Did the contractor furnish
24 these drawings, these plans that the Board is
25 looking at?

1 MS. SIACA: Yes.

2 MR. IZZO: And what did the contractor
3 propose the building should be configured as now?

4 MS. SIACA: As a three-family dwelling.

5 MR. IZZO: Three-family dwelling. And
6 how many levels are on the structure?

7 MS. SIACA: There's two levels not
8 including the basement.

9 MR. IZZO: And you submitted a photo that
10 looks like this was once a commercial property. Do
11 you know anything about that?

12 MS. SIACA: Not really.

13 MR. IZZO: And I'm referring to this
14 photo showing the corner door.

15 MS. SIACA: Yes.

16 MR. IZZO: And a lot of oversized
17 windows?

18 MS. SIACA: Yes.

19 MR. IZZO: And how is your contractor
20 proposing to convert this into a residential
21 structure?

22 MS. SIACA: Currently, we're trying to do
23 a three-family dwelling. In the main floor in this
24 photo, this would be the first unit entrance. And
25 then -- I don't know if -- I didn't take good photos

1 here but there's also a side entrance that leads to
2 the second floor upstairs. And then there's also a
3 back entrance that would lead to Apartment B.

4 MR. IZZO: So each of three units would
5 have a private entrance in your plan?

6 MS. SIACA: Yes.

7 MR. IZZO: And do you contemplate that
8 you would be able to furnish a parking space off the
9 street for occupants of this property?

10 MS. SIACA: Yes.

11 MR. IZZO: And how could that be
12 accomplished?

13 MS. SIACA: There's a back space right
14 behind the building. There would be enough space for
15 about five cars.

16 MR. IZZO: And you're basing that on the
17 lot depth of which you have indicated as 100 feet?

18 MS. SIACA: Yes.

19 MR. IZZO: And the property in back is
20 clear of other structures?

21 MS. SIACA: Yes.

22 MR. IZZO: And what else do you want to
23 tell the Board about this proposal that you're
24 bringing to them?

25 MS. SIACA: It was proposed to the

1 landlord as a three-family dwelling so she bought it
2 thinking that it was three-family dwelling. That's
3 why we had submitted with all the zoning applications
4 as a three-family dwelling. And currently, it's in
5 the system as a two-family dwelling. Even if you
6 look up this property it says, five bedrooms, three
7 bathrooms. There's also three meters. And then
8 there's currently three different entrances to this
9 building. It's pretty big.

10 MR. IZZO: We submit to questioning.

11 MR. EINGORN: I'm looking at the
12 application and it says, CCN Investment, LLC. Who is
13 CCN Investment?

14 MS. SIACA: CCN Investment is also JRM
15 Property Management. It's one in the same.

16 MR. EINGORN: So it's owned by the same
17 people?

18 MS. SIACA: It's owned by the same
19 people, yes.

20 MR. EINGORN: And you're part of?

21 MS. SIACA: I'm part of everything.

22 MR. EINGORN: What's your relationship to
23 CCN Investment?

24 MS. SIACA: Property management.

25 MR. EINGORN: Okay. And then I'm looking

1 at the picture of the rear of the property. It
2 appears to be a small back yard. In the picture it
3 looks small. It could be huge for all I know.

4 MS. SIACA: Yes.

5 MR. EINGORN: Is that where you're saying
6 you could park cars?

7 MS. SIACA: Yes. You can definitely park
8 cars there.

9 MR. EINGORN: And there's access to that
10 from the front of the property?

11 MS. SIACA: No. To the back of the
12 property.

13 MR. EINGORN: You can get to this area
14 from the front of the property, the side of the
15 property?

16 MS. SIACA: Yes, the side.

17 MR. EINGORN: Is there a curb cut.

18 MS. SIACA: There's a curb cut.

19 MR. EINGORN: So there's a preexisting
20 driveway?

21 MS. SIACA: No. There's a curb --
22 there's a sidewalk. I'm sorry.

23 MR. EINGORN: So there's no paved area
24 that enters to that area?

25 MS. SIACA: No.

1 MR. IZZO: Is there a way to provide fire
2 egress from these units?

3 MR. IZZO: So if the occupants step out,
4 are they on your property or on somebody's else's
5 property?

6 MS. SIACA: They are on our property.

7 MR. IZZO: How much footage? Is it wide
8 enough for a sidewalk? Or is it on the sidewalk?

9 MS. SIACA: Here. Point it out to the
10 Board. What's your exact question? I'm sorry.

11 MR. EINGORN: The issue is, it seems like
12 you've got three units or you want three units. Each
13 one is going to have a single doorway to get to the
14 outside?

15 MS. SIACA: Right.

16 MR. EINGORN: In the event of a fire, is
17 there a way to put in a fire escape, a fire ladder,
18 something of the sort where if the entrance is
19 blocked, we're not trapped?

20 MS. SIACA: I would say so, yes.

21 MR. EINGORN: So as a condition of
22 approval, I mean, you'd have to deal with the Fire
23 Marshall anyway, fire inspector. But you would agree
24 to install some sort of fire egress for each unit?

25 MS. SIACA: Yes.

1 MR. EINGORN: Any questions?

2 CHAIRMAN HANCE: My only issue is, I need
3 a better picture of your back yard. You said you can
4 park how many cars back there?

5 MS. SIACA: I would say five.

6 CHAIRMAN HANCE: I'd like to see a better
7 picture of that. Because the one that I see here,
8 it's kind of small.

9 MS. SIACA: Yes. It's a little extended.

10 CHAIRMAN HANCE: I'd just like to see it
11 at different angles.

12 MS. SIACA: Okay?

13 MR. EINGORN: And also, how you plan to
14 access it from the street. Right? Where you intend
15 to put in a driveway to access the parking, how you
16 would develop the parking lot, will it be gravel,
17 will it be asphalt, will it be cement, will you plant
18 plantings around it, will you put trees on the lot?

19 I don't know what's going on in the back
20 yard here right now. It looks like a lot of
21 construction debris. And that happens when you're
22 fully cutting a house. I get that. But at some
23 point, we kind of need to know what's going to go on
24 back there because you do have a little bit of a site
25 plan issue.

1 MS. SIACA: Right.

2 CHAIRMAN HANCE: Now, behind your house,
3 is there another house behind your house or is it
4 open?

5 MS. SIACA: I think there is another
6 house on the side like right behind the back yard.
7 But I don't really recall recollect exactly how it
8 looks.

9 REVEREND MARTINEZ: Is that trash still
10 there?

11 MS. SIACA: No, that's not there.

12 REVEREND MARTINEZ: So if you're going to
13 bring the other picture, could you bring a picture
14 where it's clear where is the driveway.

15 MR. IZZO: I'm requesting on behalf of
16 the applicant that she be allowed to continue her
17 hearing with the proper illustrations.

18 MR. EINGORN: Yes. So parking
19 photographs and then a plan for how you're going to
20 develop the parking lot; a discussion of the fire
21 egress. Anything else you guys want to know? This
22 looks like a pretty big property.

23 MR. BRITO BUENO: How big is the parking
24 lot?

25 CHAIRMAN HANCE: That's what we want.

1 Pictures of how big is the parking lot.

2 MR. BRITO BUENO: We want pictures of the
3 outside.

4 MR. EINGORN: Dimensions of the back
5 yard, sides.

6 CHAIRMAN HANCE: What's behind the house.

7 REVEREND MARTINEZ: And how many cars can
8 you fit in that spot.

9 MR. EINGORN: If there's anything looking
10 into that parking area. I know if my neighbors
11 started parking their cars in the back yard and I'd
12 have to look at it, I might not be too happy. So if
13 there's something going on back there, then you
14 should know what's going on in the back there.
15 Anything you guys want to see that is not here now?
16 Anything you want the applicant to bring that they
17 don't have now that will help you make a decision?

18 MR. EINGORN: We will see in June. Thank
19 you for your time.

20 MS. SIACA: Thank you.

21 MR. IZZO: Very good. Thank you.

22 MR. EINGORN: Luis Jaquez, 1317 S. 10th
23 Street.

24 MR. EINGORN: Good evening. Please raise
25 your right hand.

1 MR. JAQUEZ: My name is Luis Jaquez.

2 - - -

3 LUIZ JAQUEZ, having first been duly
4 sworn/affirmed, was examined and testified as
5 follows:

6 - - -

7 MR. EINGORN: Name and address.

8 MR. JAQUEZ: My name is Luis Jaquez. I
9 live at 44 E. New Street, Sewaren, New Jersey 07077.

10 I bought this property 1317 S. 10th
11 Street in January. The previous owner had it, I
12 think, since 2022. I bought it as a duplex. And I
13 want it to be as a duplex.

14 MR. EINGORN: So we're in the R-2 Zone,
15 Gateway Redevelopment Plan. But I don't see that you
16 need a use variance. You got a deficient lot so you
17 need a bulk variance and then off-street parking. Is
18 there an ability to park cars on the lot?

19 MR. JAQUEZ: No, I don't have a lot.

20 MR. EINGORN: No driveway?

21 MS. SIACA: No.

22 MR. EINGORN: No garage?

23 MR. JAQUEZ: No. Most of those houses
24 are in front of a church, Catholic Church. So even
25 the single houses don't have parking.

1 MR. EINGORN: So it's on-street parking
2 only?

3 MR. JAQUEZ: Yes.

4 MR. EINGORN: So one of the things you've
5 been asked to get is a bulk variance for the lot.

6 MR. JAQUEZ: This is the property.

7 MR. EINGORN: Right. The problem is, I
8 need papers so everybody can see it. Right? And
9 then we can keep it as part of our file. I don't
10 want to keep your phone. You'll probably need it.

11 MR. JAQUEZ: That's right.

12 MR. EINGORN: So it's tough to make a
13 determination on the lot area without a photograph of
14 the outside. It looks from the photograph, you did
15 show it's a townhome of some sort; adjoining party
16 wall on one side.

17 MR. JAQUEZ: Yeah.

18 MR. EINGORN: Without the evidence in the
19 record, it's hard to make that decision on the lot
20 area. Are you able to take pictures of the outside
21 of the house?

22 MR. JAQUEZ: Yes. I can email it to you
23 right now.

24 MR. EINGORN: We need copies. That's one
25 of the nice things about when we were on ZOOM is, we

1 can just bring it up. But now that we're in person
2 so we need copies. So here's what we need. We need
3 pictures of the front of the house, back of the
4 house. I'm assuming there's a back yard of some sort
5 so I need that. And then pictures of the street
6 parking from different times of day just to show that
7 there's available street parking. If you have
8 meters, water heaters --

9 MR. JAQUEZ: Yes.

10 MR. EINGORN: -- the Board likes to see
11 the pictures of those confirming that there's one for
12 each unit.

13 MR. JAQUEZ: Yes.

14 MR. EINGORN: Great. Some pictures of
15 those as well. I hate adjourning all of these things
16 but if we don't have the right evidence then we can't
17 support these on appeal. It's just something we all
18 want to be able to do.

19 MR. JAQUEZ: Meters. What else?

20 MR. EINGORN: Meters inside -- not
21 inside. We have the inside pictures. The outside.

22 CHAIRMAN HANCE: Electric meters.

23 REVEREND MARTINEZ: Gas meter.

24 MR. EINGORN: The exterior of the
25 property, front and back. And then the parking on

1 the street.

2 MR. JAQUEZ: So I just got to send that,
3 right?

4 MR. EINGORN: Send it to Evita and she'll
5 provide copies to the Board for the June meeting.
6 Come back in June the first Monday. I'll tell you
7 the date.

8 MR. JAQUEZ: But we did send pictures.

9 MR. EINGORN: The pictures that we have
10 are all of the inside of the property.

11 CHAIRMAN HANCE: But you didn't send us
12 the water meters, the electric meters.

13 MR. EINGORN: So the 5th of June. The
14 pictures we have are all of the inside. This is what
15 we have.

16 CHAIRMAN HANCE: We need pictures of the
17 parking outside, the street.

18 MR. EINGORN: You provided pictures to
19 show that it's already a duplex. You're allowed to
20 have a duplex in this zone. The issue you have is,
21 you have an undersized lot. The Ordinance says you
22 need 3,000 square feet, and you have a preexisting
23 1,900, right? And then you have an off-street
24 parking issue, right? So what we need to see
25 pictures of are, the lot condition which is the size

1 of the lot and then the parking area out front. And
2 then we'll see you on June 5th. All right?

3 MR. JAQUEZ: No problem.

4 MR. EINGORN: Thank you so much. Have a
5 nice night.

6 The next matter, Holding 13, LLC. Good
7 evening.

8 MR. SUGLIA: Good evening, Board members,
9 my name is Nick Suglia. I am from the firm of
10 Fleischer, Fleischer & Suglia. I am here on behalf
11 of Holding 13, LLC regarding 814 North 4th Street.
12 The applicant is seeking a C-1 bulk variance due to
13 the lot width, depth and off-street parking.

14 Mr. Eingorn, my client submitted the
15 application themselves and brought me in after the
16 fact. So the issue I have tonight is, I don't have a
17 witness here because they figured that because it
18 wasn't a factually-sensitive issue, that they did not
19 need to be here. So what I did is, I took the
20 liberty of preparing affidavits. I don't know if
21 that's going to be sufficient for you. I have copies
22 for everyone if that's something we can try to work
23 through. I'll defer to you.

24 MR. EINGORN: I am used to affidavits
25 being an officer to the court and doing a lot of

1 court work. I don't know how the Board feels about
2 that. But basically what the applicant is proffering
3 is, testimony in a written form that's previously
4 been prepared and certified to by the applicant
5 themselves. Counsel would present those affidavits.
6 I don't know if they are notarized or not. Maybe
7 notarized by counsel --

8 MR. SUGLIA: They are.

9 MR. EINGORN: -- so that you know that
10 they've been signed in the presence of somebody who
11 certified that they signed them. And then counsel
12 would proffer that testimony via the affidavits which
13 the Board can consider along with the evidence
14 presented in lieu of having physical testimony from a
15 person. It's something that's done in court on a
16 regular basis.

17 This is a quasi-judicial Board that can
18 accept those certifications from counsel on behalf of
19 the applicant. So through the Chair, I'd ask whether
20 this is something that the Board would be comfortable
21 with, whether you want to consider it and see where
22 it takes you. Maybe we can knock this one out
23 because next month we've got a big agenda plus one,
24 two, three, four holdovers.

25 CHAIRMAN HANCE: So do you want to the

1 affidavits?

2 MR. EINGORN: So I think we should at
3 least take a look at the affidavits and consider it.

4 MR. SUGLIA: I have the originals in my
5 bag if you'd like to see those?

6 MR. EINGORN: So for the record, counsel
7 has provided the board with two affidavits. One of
8 Donny Figueira which is dated and notarized April 24,
9 2023 by a notary public which was signed in the State
10 of Florida. And then a second of Daniela Graca, also
11 signed in the State of Florida and also signed and
12 notarized on April 24, 2023.

13 Let's give the Board a second to take a
14 look at it and then we'll proceed.

15 MR. SUGLIA: Of course.

16 MS. ALSTON: It's not a use issue here.
17 It's not because it's a duplex. It's because of the
18 lot, width and depth and also the street parking is
19 what it was denied for?

20 MR. EINGORN: Right. So I think what --
21 and I don't want to speak for counsel -- but I think
22 what he's going to say is, we have a hardship because
23 of the undersized lot and the age of the home; it
24 can't conform with the bulk requirements. And so
25 they're asking for variances for lot width, depth and

1 size which are likely, and I'll let counsel speak to
2 that, but preexisting nonconformities and then
3 parking.

4 MR. SUGLIA: So that's precisely the
5 position of the applicant as indicated in the
6 affidavits. And the purpose of the affidavit, it's
7 first and foremost, they're in the State of Florida
8 and they wanted me to express that they meant no
9 disrespect to the Board. They didn't realize that
10 they would need to be here for something like this.
11 Because the way they had thought about it, and
12 incorrectly so, they figured that because there
13 wasn't really a factual issue here, their appearance
14 here wasn't necessary. So that's why I find myself
15 relying on the affidavit today.

16 But Mr. Figueria and Ms. Graca are
17 husband and wife. They are the owners of DFD Real
18 Estate, LLC which is the sole member of the holding
19 company, Holding 13, LLC which owns the property
20 issue. So that's kind of how it ties in who the
21 parties are here.

22 The applicants purchased this property on
23 February 28, 2020. It says 2002 here but it's
24 actually 2020. And there's a copy of the deed
25 attached to the application reflecting that as well.

1 And they certify here in the affidavit, that the
2 property was marketed and sold to them as a duplex.
3 And to the best of their knowledge, had been utilized
4 as a duplex for an extended period of time.

5 If you take a look at the pictures, the
6 width of the property is, I believe, about 5 feet
7 wider than what the actual structure is. So there's
8 simply no room on the property; no way to access any
9 off-street parking, but there's never been any
10 off-street parking there. The nature of the
11 neighborhood there is such that many of the homes in
12 the area also do utilize on-street parking. And
13 given the size of the lot and the continued use for
14 some extended period of time, that's why the
15 applicant is here seeking this bulk variance on these
16 two issues today.

17 In terms of the Negative Criteria, it's
18 really difficult to communicate any Negative Criteria
19 because, again, the property is a residential use.
20 It has been there. They're not looking to make any
21 changes to the property. The property is going to
22 continue exactly the way it is. In fact, what
23 happened was, they were trying to get the second
24 meter, second electric meter for the property and
25 they went through the processes in the City. In

1 order to do that, they were told that this property
2 was nonconforming. So simply what they want to do is
3 to bring the property up to code; make it conforming
4 and do the right thing.

5 REVEREND MARTINEZ: Anybody living on
6 this property now?

7 MR. SUGLIA: I don't know the answer to
8 that but I believe the property might currently be
9 vacant.

10 CHAIRMAN HANCE: Do we know how long it
11 was a duplex?

12 MR. SUGLIA: I don't have that
13 information. The previous owner, at least the
14 previous owner, the deed which would reflect -- I
15 might have misspoken. I thought the deed was
16 attached to -- the deed is actually attached and I
17 can give this to you. It was attached to the
18 permit application that had initially been denied
19 which leads us here today. So the deed would reflect
20 that the previous owner had the property since
21 2021 -- I'm sorry -- since 2001, and that's who my
22 clients purchased it from.

23 REVEREND MARTINEZ: This is a duplex?

24 MR. EINGORN: The deed wouldn't indicate
25 whether or not the property was a duplex. The deed

1 would indicate the transfer of ownership and the
2 amount paid.

3 MR. SUGLIA: My point for which I handed
4 it out was the fact that the previous owner had it
5 since 2001 so we're looking at least a 20-year
6 period.

7 MR. EINGORN: For the record I'm
8 reviewing a deed dated February 28, 2020 between
9 Felipe Marrero and Holding 13, LLC which is the
10 applicant. The deed does reflect at the bottom and I
11 quote, being the same land and premises which became
12 vested and Filipe Marrero by deed from Maritza
13 Perdomo, erroneously spelled Perdonio on prior deed,
14 dated April 17, 2001, recorded September 20, 2001.
15 So the deed would indicate that the prior owner had
16 the property since 2001 but it unfortunately doesn't
17 say if the prior owner converted it or he owned it as
18 solely as a duplex the whole time. It's not
19 completely clear from the deed but we can glean from
20 it that the prior owner have it since 2001.

21 Looking at the pictures that are provided
22 with the application, it's clear that when looking at
23 the property, the right side abuts the sidewalk.
24 And, therefore, the applicant has no ability to
25 expand the side yard. It's unclear what the side

1 yard is to the left of the property, but it does seem
2 to be tight because it's in the vicinity of the
3 neighboring property. So there's really no way to
4 expand the other side yard. The front of the
5 property also seems to abut the sidewalk as well.
6 So you do have some preexisting conditions here that
7 create a hardship; whether this property were to be
8 a duplex or a single family or any property of any
9 size.

10 This house looks like it's pretty old.
11 I don't know the date it was constructed. But it
12 seems to me that this was created in -- constructed
13 at a time when the lots were simply smaller than
14 what's provided for now in our current zoning
15 ordinance. I mean, even if you were to tell - and
16 this isn't a use variance application so it's not
17 something you can really discuss - but even if you
18 were to say, we don't want you to have a duplex here,
19 they wouldn't even be able to comply with the bulk
20 ordinances for a single-family anyway.

21 MS. ALSTON: There's no back; there's
22 nothing in the back, right?

23 MR. SUGLIA: No. There is a photo of the
24 rear of the house included in the packet. And as you
25 can see, it's fenced-in. There's no kind of ability

1 to get back there.

2 MS. ATWOOD: Is there a record of when it
3 changed from a single-family home to a duplex?
4 Because it doesn't look like it was built as a
5 duplex. It looks like it's a single-family home.

6 MR. SUGLIA: The only information I have
7 was, that it was marketed and purchased as a duplex
8 and that the previous owner had it for some time as a
9 duplex. I don't know the answer to your question.
10 Sorry.

11 MS. ALSTON: I think in this case we just
12 have no -- I mean, there's -- he has no wiggle room
13 to go further. Is that the right? There's nothing
14 there. You can't see parking. There's nothing in
15 the back. You can't. And also, it looks like
16 they've been using the public parking the whole time.

17 MR. SUGLIA: And also to Ms. Atwood's
18 question, I would also point out that Mr. Eingorn
19 pointed out that even if it were to be a
20 single-family home, it still wouldn't comply. Then
21 hence the hardship and why we're coming before the
22 Board on this application.

23 MS. ATWOOD: I wanted to see when you
24 open this door, when you go in, that there's another
25 entrance so that people downstairs can get access to

1 upstairs. The picture doesn't show it.

2 MR. EINGORN: Right. I get exactly what
3 you're saying

4 MS. ATWOOD: It shows the stairs but it
5 doesn't show the doorway.

6 MR. EINGORN: It looks like Unit B comes
7 into the back.

8 MR. SUGLIA: That is correct.

9 CHAIRMAN HANCE: For the record, a lot of
10 these places comes up before us this way.

11 REVEREND MARTINEZ: It was set up this
12 way and there's nothing that we could do can change
13 it. We can say, it was built like that. I don't
14 even know why it was denied. Of course it was the
15 application. This place has been like that forever.
16 So whatever decision we make over here, will not --
17 either we deny it or we approve it. I mean, I'm for
18 it. Let's approve it. They're going to come back
19 here from FLorida?

20 MS. ALSTON: It's not going to make a
21 difference.

22 REVEREND MARTINEZ: It ain't going to
23 make no difference. There you go.

24 CHAIRMAN HANCE: Then you got to
25 remember, even with a single home, you're going to

1 have problems parking, especially if you have young
2 kids and they'll have cars, two or three cars, so
3 that's like three cars right there.

4 MR. EINGORN: Anything else from the
5 Board before we open it to the public? Anything
6 else? Opening it up to the public is a little silly
7 because there's nobody left. We'll open and close ot
8 the public as a matter of procedural propriety.

9 So what we're left with is two requests,
10 bulk variance requests for lot width, depth size and
11 then off-street parking which there is none and no
12 ability to provide it. It's up to the Board now to
13 provide a discussion of the Positive and Negative
14 Criteria and make a motion whether to approve or deny
15 the requested bulk variances.

16 REVEREND MARTINEZ: I make a motion to
17 accept the application and how it is.

18 CHAIRMAN HANCE: But before we do, I'm
19 going to say, this is a major hardship. Either way
20 from a single to a duplex, there's a parking issue.
21 The house cannot be widened or made smaller. So I
22 have to agree with you.

23 MS. ATWOOD: What did you say?

24 MR. BRITO BUENO: It is what it is.

25 REVEREND MARTINEZ: Can't change it.

1 MS. ALSTON: Motion to approve.

2 CHAIRMAN HANCE: With a bulk variance?

3 MR. EINGORN: A motion?

4 MS. ALSTON: Yes.

5 MR. EINGORN: Do we have a second?

6 REVEREND MARTINEZ: I'll second it.

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

8 Chairman Hance.

9 CHAIRMAN HANCE: Yes.

10 MR. EINGORN: Reverend Martinez.

11 REVEREND MARTINEZ: Yes.

12 MR. EINGORN: Ms. Atwood.

13 MS. ATWOOD: No.

14 MR. EINGORN: Ms. Merricks.

15 MS. MERRICKS: No.

16 MR. EINGORN: Ms. Alston.

17 MS. ALSTON: Yes.

18 MR. EINGORN: Mr. Brito Bueno.

19 MR. BRITO BUENO: Yes.

20 MR. EINGORN: Having four in favor and
21 two opposed, the motion carried on a bulk variance.

22 MR. BRITO BUENO: I got a question
23 unrelated to this case. It's unrelated to this.

24 MR. SUGLIA: May I be excused then?

25 MR. EINGORN: Yes, you're good to go.

1 Thank you for your time.

2 MR. BRITO BUENO: When they come up with
3 a duplex which they claim was a duplex before,
4 have --

5 MR. EINGORN: Here's the issue that we --
6 how about we do this.

7 MR. BRITO BUENO: Because I remember --

8 MR. EINGORN: Let's stop a second. Let's
9 just finish up our agenda and then we can discuss all
10 that.

11 MR. BRITO BUENO: Okay.

12 MR. EINGORN: So the last two matters for
13 tonight are the Adoption of Resolutions and then
14 adjournment. The Resolutions we have are, Granting
15 Legal Non-Conforming Use for Hezekiah & Rosita
16 Adedoyin, 549 Pfeiffer Street.

17 Granting Legal Non-Conforming Use for
18 Maria A. Peralta Henriquez.

19 Granting Use Bulk Variance Approval for
20 Michael McFarlane.

21 Granting Bulk Variance Approval for Tobi
22 Rosario.

23 Those that can vote on those Resolutions
24 tonight would be Chairman Hance, Reverend Martinez,
25 Ms. Alston and Mr. Brito Bueno. Do we have a motion

1 to adopt the Resolutions?

2 REVEREND MARTINEZ: Motion to adopt
3 Resolutions.

4 MR. EINGORN: And a second?

5 CHAIRMAN HANCE: Second.

6 MR. EINGORN: And we'll take a vote.
7 Chairman Hance.

8 CHAIRMAN HANCE: Yes.

9 MR. EINGORN: Reverend Martinez.

10 REVEREND MARTINEZ: Yes.

11 MR. EINGORN: Ms. Alston.

12 MS. ALSTON: Yes.

13 MR. EINGORN: Mr. Brito Bueno.

14 MR. BRITO BUENO: Yes.

15 CHAIRMAN HANCE: Motion carries. And we
16 need a motion to adjourn.

17 CHAIRMAN HANCE: Motion to adjourn.

18 MS. ALSTON: Second.

19 MR. EINGORN: All in favor?

20 THE BOARD: Yays.

21 MR. EINGORN: Motion carries.

22 - - -

23 (*Meeting concluded at 9:35 p.m.*)

24

25

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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