

In The Matter Of:
CITY OF CAMDEN
ZONING BOARD

Transcript of Meeting
November 2, 2020

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ZONING BOARD
CITY OF CAMDEN

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Monday, November 2, 2020

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Transcript of proceedings in the above matter for the Zoning Board of Adjustment City of Camden, was conducted as a virtual meeting via a remote conferencing platform, ZOOM and commencing at 6:09 p.m.

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

- ROBERT HAMILTON, CHAIRMAN
- DARNELL HANCE, VICE-CHAIRMAN
- ISAIAS MARTINEZ
- KAREN MERRICKS
- CHARLES COOPER

- - - -

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

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1 CHAIRMAN HAMILTON: Good evening ladies
2 and gentlemen. Welcome to the City of Camden Zoning
3 Board for November 2, 2020. It was posted in the
4 Courier Post Friday.

5 MR. EINGORN: Good evening ladies and
6 gentlemen. Welcome to the City of Camden Zoning
7 Board of Adjustment. We will take roll call of the
8 present Board members.

9 MR. EINGORN: Chairman Hamilton.

10 CHAIRMAN HAMILTON: Here.

11 MR. EINGORN: Vice-chairman Hance.

12 VICE-CHAIRMAN HANCE: Here.

13 MR. EINGORN: Reverend Martinez.

14 REVEREND MARTINEZ: Here.

15 MR. EINGORN: Ms. Washington. Not
16 present. Ms. Atwood. Not present. Ms. Merricks.
17 You're muted, Ms. Merricks.

18 MS. MILLER: Ms. Merricks, unmute
19 yourself.

20 MR. EINGORN: Let the record reflect that
21 Ms. Merricks is present and attempting to indicate
22 that. And Mr. Cooper.

23 MR. COOPER: Here.

24 MR. EINGORN: First we need a motion to
25 adopt the minutes from October of 2020. Do we have a

1 motion?

2 MR. COOPER: I accept.

3 MR. EINGORN: And a second.

4 CHAIRMAN HAMILTON: I second it.

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

6 Chairman Hamilton.

7 CHAIRMAN HAMILTON: Yes.

8 MR. EINGORN: Vice-chairman Hance.

9 VICE-CHAIRMAN HANCE: Yes.

10 MR. EINGORN: Reverend Martinez.

11 REVEREND MARTINEZ: Yes.

12 MR. EINGORN: Ms. Merricks.

13 MS. MERRICKS: Yes.

14 MR. EINGORN: Mr. Cooper.

15 MR. COOPER: Yes.

16 MR. EINGORN: So moved. We have two
17 applications New Business tonight. The first
18 application, Cellco Partnership D/B/A Verizon
19 Wireless, 699 Liberty Street. I believe I saw
20 counsel's name on the list here. Counsel, can you
21 just identify yourself for the record?

22 MS. FRITZGES: Good evening. My name is
23 Alyson Fritzges representing AT&T tonight.

24 MR. EINGORN: Very good. And the second
25 matter, Eli Gabay. Am I pronouncing it correct?

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

2 MR. EINGORN: At 422 Chambers Avenue.

3 We'll begin our meeting tonight with
4 Cellco Partnership D/B/A Verizon Wireless. Good
5 evening, Counsel.

6 MS. FRITZGES: Good evening, Mr.
7 Solicitor and good evening to the Board. Again, my
8 name is Alyson Fritzges representing AT&T -- I'm
9 sorry -- Verizon Wireless. Excuse me. Verizon
10 Wireless.

11 Verizon Wireless has identified a need in
12 this area of Camden to enhance its wireless service.
13 And the good news is that we've identified an
14 existing tower structure that eliminates the need for
15 us to go find a place to put a brand new tower.
16 Essentially, we found a location at 699 Liberty
17 Street in Camden as an existing American Tower
18 already there, cell tower a monopole at 100 feet.

19 We're looking to increase the height of
20 that to 120 feet in order to pole-locate our antennas
21 on that pole. The only thing we're looking for
22 tonight from the Board is a tower setback. We would
23 seek a bulk variance. We don't need any height
24 relief. Under your ordinance, you're permitted to
25 have 200 feet. We're only asking for an additional

1 20 feet for a top height of 120 feet, and the use is
2 already there.

3 So, right now, your ordinance identifies
4 the requirement that the monopole be 100 but setbacks
5 for the tower be 110 percent of the tower height.
6 What you have right now, the tower is already
7 existing. It doesn't conform with those setback
8 requirements. So, you already have an existing
9 nonconforming with that requirement. And all we're
10 asking tonight is to increase that nonconformity by,
11 I believe, it's 22 feet. That's the only relief
12 we're requesting tonight.

13 In an abundance of caution, we're also
14 asking for a waiver of minor site plan approval if
15 your solicitor would think we would need that which
16 we don't think we do. In an abundance of caution, we
17 would ask for that waiver. I also wanted to mention
18 that all the equipment will be within the existing
19 compound that's already on the site. So there will
20 be no ground disturbance other than what's already
21 there. So we're not asking for any relief for
22 equipment. I do have three witnesses here tonight
23 with me. A radio frequency engineer, our site
24 acquisition consultant from NB&C Consulting and our
25 civil engineer.

1 I am prepared to put all of those on, all
2 of those witnesses on as part of our presentation
3 unless the Board tells me not to. I don't know if
4 Mr. Solicitor has anything else. I have our exhibit
5 packet that was sent to Ms. Davis. Our witnesses are
6 Mr. Petersohn and Mr. Tsoukalas our civil engineer.
7 If they would share their screens when they testify,
8 I would appreciate that. Mr. Solicitor, would you
9 like me to read the exhibits into the record or how
10 would you like me to proceed?

11 MR. EINGORN: We generally present them
12 as the application progresses in order of the
13 testimony. That's acceptable to us.

14 MS. FRITZGES: Okay.

15 MR. EINGORN: We also generally swear all
16 the witnesses at one time. There are members of the
17 public tonight. So, it would be helpful for everyone
18 involved to hear the testimony of your witnesses.
19 So, if you'd like to call your first witness in
20 support of the application

21 MS. FRITZGES: Sure. The other thing is,
22 at least as we've been doing over Zoom is, there are
23 certain exhibits such as the lease equipment and
24 Affidavit of Notice and certain things that the Board
25 may not need to see. I have access to those. But if

1 I can -- unless the Board wants to see them, I
2 wouldn't plan on showing them and share a screen
3 unless the Board tells me otherwise. If that's okay
4 with the Solicitor.

5 MR. EINGORN: We would rather see the
6 items related to the relief.

7 MS. FRITZGES: Right. And with that, if
8 we could swear our witnesses.

9 MR. EINGORN: Sure. If the witnesses
10 could raise their right hands. Chairman Hamilton, do
11 you want to swear in the witnesses?

12 CHAIRMAN HAMILTON: Yeah.

13 - - -

14 PETROS TSOUKALAS, P.E.; ANDREW PETERSOHN,
15 P.E., TODD GANNON, having first been duly
16 sworn/affirmed, was examined and testified as
17 follows:

18 - - -

19 CHAIRMAN HAMILTON: Give your name and
20 address to the secretary.

21 MR. TSOUKALAS: My name is Petros
22 Tsoukalas. I work for Mazor Consulting at 2000
23 Midlantic Drive in Mt. Laurel, New Jersey.

24 MR. GANNON: My name is Todd Gannon. I
25 work with MB&C Verizon Wireless. I'm a site

1 acquisition consultant for them. Business address is
2 1777 Century Parkway, Suite 400, Blue Bell,
3 Pennsylvania.

4 MR. PETERSOHN: I'm Andrew Petersohn.
5 I'm with DBM Engineering. My address is P.O. Box
6 165, Fairview Village, Pennsylvania.

7 MR. EINGORN: Thank you.

8 Counsel, are you ready to present your
9 first witness?

10 MS. FRITZGES: Thank you. I call Mr.
11 Todd Gannon. Mr. Gannon, can you identify on the
12 record again, your name and your business and that
13 business's relationship to Verizon Wireless?

14 MR. GANNON: My name is Todd Gannon. I
15 am a consultant for NB&C which is a site acquisition
16 firm that does local site acquisition representation
17 for Verizon Wireless. When Verizon Wireless
18 identifies an area in need or a problem with their
19 network, they dispatch local professionals like
20 myself to help them find facilities or places where
21 they can install equipment to fill in those problem
22 areas.

23 MS. FRITZGES: And Mr. Gannon, can you
24 identify what your role was with this specific
25 application?

1 MR. GANNON: This was sent to us from
2 Verizon Wireless. It was a pretty simple
3 identification process. Because the City of Camden
4 Police Department had called many times over a long
5 period of time and identified an area along the I-676
6 corridor there that they were having problems with
7 their phone system.

8 They use Verizon Wireless and they had
9 problems with that corridor there. And when we went
10 out to search for it to fill in that problem for
11 them, we found that there was an existing cell tower.
12 Unfortunately, though, it was not at a height that
13 was capable of reaching and fulfilling the full needs
14 as-is so we need to put an extension on the top.

15 MS. FRITZGES: And you ventured into a
16 lease agreement with American Tower?

17 MR. GANNON: We have.

18 MS. FRITZGES: And for the purposes of
19 this hearing and for the record, if we can mark that
20 exhibit as Exhibit A-3, lease agreement which I have
21 sent to the City. If you'd like to see it, just let
22 me know. That all I have for this witness.

23 MR. EINGORN: Does the Board have any
24 questions? Hearing none, Counsel, if you'd like to
25 present your next witness.

1 MS. FRITZGES: Thank you. I would like
2 to call Mr. Andy Petersohn. Mr. Petersohn, can you
3 please identify your name again, where you work, and
4 what your role has been in this application?

5 MR. PETERSOHN: Sure. Andrew Petersohn
6 again. DBM Engineering is the name of the firm. We
7 are a radio frequency design firm here on behalf of
8 Verizon. My involvement is review of Verizon's
9 design here. And I'm happy to go through that with
10 the Board in this case; to go through the details of
11 the need and how the site would fulfill the need.
12 And also, I've offered some reports as to the
13 compliance aspects of the facility; that it will
14 comply with all state and federal regulations.

15 MS. FRITZGES: And Mr. Petersohn, I would
16 like Mr. Solicitor to qualify him as an expert in
17 radio frequency design engineering. So, if you could
18 briefly, Mr. Petersohn, give some of your
19 qualifications?

20 MR. PETERSOHN: Sure. I have
21 undergraduate degree and graduate degrees in
22 electrical engineering from Lehigh University. I'm a
23 registered professional engineer in the State of New
24 Jersey as well as a handful of surrounding states.
25 And I've been involved with the design and compliance

1 aspects of these types of facilities now for about
2 two decades.

3 MS. FRITZGES: And have you testified
4 before municipal boards in the past in New Jersey?

5 MR. PETERSOHN: I have. I believe before
6 this very Board although it was probably ten years
7 ago at this point.

8 MS. FRITZGES: How many times would you
9 say you've testified in front of municipal boards?

10 MR. PETERSOHN: I'd say it's probably 500
11 times.

12 MS. FRITZGES: Mr. Solicitor, if I could
13 qualify him as an expert in radio frequency
14 engineering design?

15 MR. EINGORN: The Board is satisfied with
16 the proposed expert and we'll qualify Mr. Petersohn
17 as an expert.

18 MS. FRITZGES: Thank you.

19 MR. Petersohn, I have marked as Exhibit
20 A-4, a copy of a Verizon Wireless's FCC licenses.
21 And is it true that Verizon Wireless and all the
22 wireless carriers are essentially governed by the
23 FCC?

24 MR. PETERSOHN: That is true, yes. The
25 regulation of their use of the airwaves is governed

1 by the FCC. That's correct.

2 MS. FRITZGES: By way of them having this
3 license, they have an obligation to provide something
4 that's called reliable service, reliable coverage to
5 their customers; is that right?

6 MR. PETERSOHN: That's right. Yes.

7 MS. FRITZGES: What is this site? Could
8 you explain to the Board the difference between a
9 coverage site and a capacity site?

10 MR. PETERSOHN: Sure. So, this site
11 really has both elements. What Verizon is doing here
12 is seeking to improve their service. Service really
13 has two components, coverage and capacity. Coverage
14 being, when you look at your phone, meaning, you have
15 enough bars to sustain any call or data session that
16 you're interacting with daily. And within that
17 capacity, whether that facility is fulfilling or have
18 the resources to address your needs as well as
19 everyone else who is utilizing the network at the
20 moment specifically through that site. So, only when
21 you have those two components do you have adequate
22 service. In this case, there's a lack really of both
23 in the area particularly along the interstate there
24 and the surrounding areas.

25 MS. FRITZGES: Mr. Solicitor, if we

1 could, I would like Mr. Petersohn to share his screen
2 if he could do that.

3 MR. EINGORN: Do you have the ability to
4 allow Mr. Petersohn to share his screen?

5 MR. PETERSOHN: I think I do.

6 MS. FRITZGES: We will pull up the
7 propagation maps.

8 MR. PETERSOHN: It says that someone else
9 has just shared that screen and so it's blocking me.
10 Okay. There we go. Let me try again.

11 MS. MILLER: That was me. I hit it too
12 soon. Sorry about that. There you go.

13 MR. PETERSOHN: Can everyone now see my
14 screen?

15 MS. FRITZGES: Yes.

16 MR. COOPER: Yes.

17 MS. FRITZGES: Mr. Petersohn, this is
18 what's been marked as A-6 for the Board's exhibit
19 packet. Mr. Petersohn, could you explain to the
20 Board what these propagation maps are showing; what
21 the colors mean?

22 MR. PETERSOHN: Sure. This is a first
23 and foremost, a map. We can see if we look
24 carefully below the colors here you can see 676
25 running north-south basically. Bisecting the

1 exhibit, we can see the municipal boundaries in a
2 light black line. Other than that, we can see the
3 other local roadways and see the outline of
4 waterways. Beyond all of that typical map
5 information, there's a lot of dotted icons. Those
6 represent the existing Verizon Wireless facilities
7 that are serving subscribers in the area.

8 Most notably, there are four macro
9 facilities which are large tower-type facilities.
10 What we are proposing is of that nature. Some of the
11 other dots on this map represent some small
12 distributed antenna nodes and some new building
13 coverage-type facilities. So, we're really just
14 concentrating on the macro sites that are serving the
15 umbrella of coverage that would apply to busy
16 highways.

17 MS. FRITZGES: Can you identify which are
18 the macro sites on your map?

19 MR. PETERSOHN: Sure. If we look and
20 I'll just flip to the design report for a moment
21 which has a smaller version of what we were just
22 looking at. I call out the macro sites there. Most
23 notably here, the site called Ben Franklin Bridge and
24 the other site called Camden, are the two northern
25 portions of the exhibit along with the Camden

1 Waterfront tower which is a cell-on-wheels is the
2 acronym, COW. They're providing the majority of the
3 coverage here. And the details of those are shown in
4 page two of the report there so I won't read them to
5 everyone, but you can see that they are existing
6 sites of significant height here. And they are
7 providing and I'll switch back to the exhibits. They
8 are providing the existing service.

9 And what we are illustrating here is the
10 coverage from that service from those facilities.
11 The in-building threshold of coverage is the
12 green. The in-car, the yellow and the on-street in
13 red. You can see that as what was touched on
14 earlier, we have a lack of in-vehicle service along
15 676 that's being illustrated here in the southern
16 portion of the exhibit. And as Mr. Gannon mentioned,
17 he fielded some complaints from the City Police as
18 well as from Verizon subscribers in general as to
19 in-vehicle coverage along the interstate there and
20 the surrounding areas.

21 So, if this facility is extended and the
22 Verizon Wireless antennas attached thereto, and I'm
23 flipping now to the next slide that's labeled Verizon
24 Wireless and existing reliable coverage, we'll
25 improve that service along 676 and throughout the

1 surrounding areas that's being illustrated here by
2 the pulling-in of coverage of in-building, in-car and
3 on-street thresholds. And you can see that there is
4 an excess of a mile, mile and a half of improved
5 coverage along 676 and then to the surrounding area.

6 MS. FRITZGES: And Mr. Petersohn, we
7 heard you talk about what Mr. Gannon was talking
8 about, the police were saying that there is
9 essentially a gap in the coverage there which there
10 is no coverage on 676, you're saying that this will
11 address that. From a capacity standpoint, what would
12 be the result if this site was not installed?

13 MR. PETERSOHN: Well, from a capacity
14 standpoint, we're already seeing issues in the area
15 where during busy hours, pre-COVID, we're draining
16 towards exhaustion on the resources of the sites that
17 are serving in the area during these hours. And
18 hopefully soon when things get back to normal, we
19 expect that we will continue and we will quickly get
20 to a state where there's busy hour-type of exhaustion
21 situations that are going to become chronic in the
22 area unless there's going to be significant capacity
23 added to the area. This facility will also serve not
24 only to improve the coverage in the area, but also to
25 address the technical component of service in the

1 area which is the capacity that I mentioned.

2 MS. FRITZGES: When we're talking about
3 additional traffic so-to-speak, we're not talking
4 about cell phones, correct? We're talking about
5 everything else; we're talking about news; we're
6 talking about Live Streams; we're talking about
7 FaceBook; we're talking about Twitter; all of those
8 social media platforms that as everyone knows, we're
9 using much more today; is that right?

10 MR. PETERSOHN: Right. When I say
11 traffic, I don't necessarily refer only to vehicular
12 traffic, although that's obviously a concern here.
13 What I'm referring to is cellular traffic and most
14 notably, data traffic. Voice relatively-speaking, is
15 not as much a resource hog as the data services are
16 when folks are streaming video or FaceTiming, as you
17 mentioned utilizing their device to access social
18 media, uploading business attachments; anything that
19 we now take advantage that we all do on our devices.
20 Really to stream on the network and this facility
21 will go a long way in addressing this demand.

22 MS. FRITZGES: And if this site isn't
23 implemented or a site like this, is it true that
24 Verizon Wireless will not be able to meet that
25 mandate of reliable service under its FCC license?

1 MR. PETERSOHN: It's true, yes. We're
2 already -- as you've heard, we're already
3 experiencing coverage issues. We're trending towards
4 real capacity issues here. And so if it's not
5 addressed, we're going to have issues and continue to
6 having a difficult time in satisfying FCC
7 requirements.

8 MS. FRITZGES: And you had pointed to
9 your radio frequency designer port which if I can
10 mark that as Exhibit A-7. And in that report you
11 indicate that the height that we're proposing
12 at 120 feet, is the minimum height that we need in
13 order to address our service needs; is that right?

14 MR. PETERSOHN: The height here is the
15 minimum. If we look at where there are already
16 antenna arrays on the tower, and I have a summary of
17 that in the report when I address the existing
18 providers that are there. There are antennas here
19 all the way down to about 60 feet. So, if we don't
20 extend the tower, we're left installing at a
21 relatively low center line here of about 50 feet,
22 which is really not useful to us because we have a
23 large coverage area. So, in a case like this, the
24 only real option is to extend the tower and install
25 antennas above to the existing height of the high

1 extensions.

2 MS. FRITZGES: I want to move now to
3 another report that you prepared, your
4 Electromagnetic Exposure Analysis. I'd like to mark
5 that as Exhibit A-8. Do you have that document?

6 MR. PETERSOHN: I do. I'm displaying it.

7 MS. FRITZGES: Can you explain to the
8 Board what that document addresses?

9 MR. PETERSOHN: Sure. The Ordinance
10 requires that you demonstrate compliance with the
11 federal guidelines for electromagnetic exposure. And
12 that's the purpose of this report, is to analyze the
13 anticipated electromagnetic exposure from our
14 proposed installations in conjunction with all of the
15 existing antennas that are on the monopole.

16 In this case, what we do and in all cases
17 what we do is, we apply the FCC prescribed formulas.
18 And what I do and what I've done in this case is, I
19 also apply some worse-case, upper-limit assumptions,
20 and then I look at the anticipated exposure levels in
21 their cumulative with respect to the described
22 formulas from the FCC and also those worse-case
23 assumptions.

24 In this case, the exposure levels in
25 their cumulative and making all those worse-case

1 assumptions, would be less than 24 percent of the
2 applicable FCC standard at all levels or at ground
3 level at all locations of public access. And that,
4 of course, includes those worse-case assumptions.
5 So, in reality, we would be much lower than that.
6 However, including those worse case assumptions, we
7 are demonstrating compliance whereby it's a definite
8 one.

9 MS. FRITZGES: I think you mentioned that
10 the FCC really governs what we're allowed to do,
11 correct? And we're well within those guidelines what
12 they approve?

13 MR. PETERSOHN: Yes. From an exposure
14 prospective, the FCC, through their office of
15 engineering technology, they set the guidelines for
16 allowable exposure, the FCC guidelines for human
17 exposure, allowable human exposure with respect to
18 energy. And in this case even when taken in its most
19 conservative standard, we would be less than 24
20 percent of the FCC standard for safety.

21 MS. FRITZGES: Moving next to the
22 non-interference analysis. Can you bring that up?
23 We'll mark that A-9.

24 MR. PETERSOHN: Bear with me while I find
25 that in one second.

1 CHAIRMAN HAMILTON: I want to ask you a
2 question while you're looking for it. How many
3 towers you got in Camden?

4 MR. PETERSOHN: I'll have to take a look
5 here. I don't have the entire City boundaries. So
6 that's not something I have at my fingertips.

7 CHAIRMAN HAMILTON: No. I thought
8 Verizon already had one up there.

9 MR. PETERSOHN: Yeah, there are quite a
10 few in the City. There's quite a few. However, I
11 don't know if you can see my screen. I'm displaying
12 just a portion of the City. There are more than
13 this. And it's important to note that these are not
14 all tower-type sites. There are only really four
15 towers that are in this view. And actually, one of
16 those is a rooftop. So, there's really only three in
17 this view, I should say, this portion. The portion
18 of the City that's viewed, there's only three towers.
19 The others are smaller installations on wood poles
20 and small steel poles and some in-buildings-type
21 installations.

22 CHAIRMAN HAMILTON: Okay.

23 MS. FRITZGES: Mr. Petersohn, I think
24 it's just important to note, is it correct that no
25 matter how many we have right now, the need, we still

1 need some additional help to off-load those sites and
2 to provide coverage at certain areas; is that right?

3 MR. PETERSOHN: That's right, yes. We
4 don't have anything in this -- and I'm again
5 displaying the exhibits here -- in this southern part
6 where we have this red shaded area where we only have
7 on-street coverage, we don't have enough signal to
8 serve folks in their vehicles along 676 in a reliable
9 fashion. So, we don't have any towers or anything
10 otherwise that can serve us coverage in this portion
11 of the City, which is why we need the additional
12 site.

13 MR. EINGORN: I have a question for you
14 regarding the allowable human exposure. Is that
15 something that the FCC will test after its
16 construction to confirm that, assuming that you're
17 provided the relief requested, that you won't exceed
18 the maximum percentage that you discussed?

19 MR. PETERSOHN: No. It's not something
20 that the FCC tests. There's a number of reasons for
21 that. There are hundreds and thousands of these
22 types of facilities nationwide. They don't have the
23 resources, time or the inclination to be testing on
24 each of every one.

25 I would note that this type of facility,

1 although the Ordinance requires that we demonstrate
2 compliance, this type of facility, because the
3 antennas are above ten meters so about 30 feet or so,
4 this type of facility would be categorically excluded
5 from --

6 MR. EINGORN: Whoever's cell phone noise
7 that is, please shut it off. Sorry, Mr. Petersohn,
8 can you repeat that?

9 MR. PETERSOHN: Yes. This type of
10 facility from the FCC's perspective, would be
11 categorically excluded from evaluation for
12 electromagnetic exposure just because the antennas
13 are significantly elevated above ground. The reason
14 why we offer the analysis is to simply satisfy the
15 ordinance requirement.

16 But as you can see, using an almost
17 unrealistic worse-case analysis, with a fully loaded
18 tower here, we are at exposure levels less than a
19 quarter of the applicable FCC limits. And that's
20 being ultra-conservative. In reality, this type of
21 facility if we went out and measured and we have
22 measured countless facilities of this site before,
23 even with a fully-loaded set of antenna arrays from
24 all the providers in the market which is basically
25 what we have here, I would expect some measurements

1 closer to 100 or less of the FCC exposure levels.

2 MR. EINGORN: Thanks.

3 MS. FRITZGES: Okay. Go ahead.

4 MR. PETERSOHN: I think we were going to
5 talk about your adherence analysis. This report that
6 I offer also talks about the facilities. I'm fine
7 with non-interference requirements of the FCC. This
8 facility will only utilize portions of the radio
9 frequency spectrum for which Verizon is licensed.
10 Similarly, other uses such as the other providers on
11 the tower, they'll only be using the channels for
12 which they're licensed.

13 So by virtue of that licensure, there
14 will be no harmful interference or any other type of
15 interaction between the proposed facilities and any
16 of the other facilities on the monopole or any other
17 users of the radio frequency spectrum surrounding the
18 installation, including AM/FM broadcast, television
19 broadcast, baby monitors, garage door openers, or
20 anything of that nature. Those devices are also
21 licensed in the particular portions of the radio
22 frequency spectrum.

23 MS. FRITZGES: And if there was a -- if
24 it happens with interference which, you know, is very
25 likely, it's an obligation of Verizon Wireless under

1 their license to correct that; is that right?

2 MR. PETERSOHN: It is. It's not only
3 Verizon Wireless's policy to identify a media group
4 and interference issues or any reported interference
5 issues, but it's also a requirement of their
6 licensure. Their ongoing licensure requires that
7 they address any resulting interference.

8 MS. FRITZGES: I'm going to turn now to
9 the FAA Notice Screening Tool which I'd like to mark
10 as Exhibit A-10. Can you explain what this document
11 is for the Board?

12 MR. PETERSOHN: Sure. This is the FAA
13 Notice Criteria Tool Screen. What we do in a case
14 like this because we are extending the height of the
15 tower, in this case, to an overall structure height
16 of 120 feet. We input the pertinent information of
17 the facility including the exact coordinates and the
18 ground elevation, and then the structure height here
19 of 120 feet including the lightning rod. And that
20 information is submitted to the FAA Screening Tool.
21 In this case, lighting or marking the facility will
22 not be required.

23 So, it's not required that there be any
24 strobe lighting or solid red lighting. Nor will it
25 be required that the facility be painted in any way

1 in a red and white painting that sometimes
2 accompanies these type of structures, is not
3 required. The filing of the FAA form will be
4 required here which is just a notice of proposed
5 construction that will go to the FAA, and the
6 findings and the Criteria Tool Screening -- Criteria
7 Notice Tool, that are attached to this report.

8 MS. FRITZGES: Mr. Petersohn, in your
9 expert opinion, would everything that you testified
10 to, the fact that providing additional coverage for
11 the Camden County Police Department and everyone
12 along that corridor, the fact that we're providing
13 additional capacity in enhancing service for all the
14 customers, the fact that we only need -- that we can
15 co-locate a non-existent structure and only have to
16 increase the height by 20 feet, would all of those
17 factors in your expert opinion, would they be
18 positive criteria for this application?

19 MR. PETERSHOH: They would. Absolutely.

20 MS. FRITZGES: That's all for this
21 witness.

22 MR. COOPER: I have a question here. On
23 this tower itself, how many companies are on that
24 tower?

25 MR. PETERSOHN: So, there's a number of

1 antennas up there that are dormant from some of the
2 providers that have either disappeared through
3 mergers or bought through acquisition. On my
4 Electromagnetic Admissions Report on page 2, I do
5 summarize the active providers there. Verizon
6 Wireless, of course, proposing their antennas. We
7 also have AT&T at 62 feet. It's currently there. We
8 have T-Mobile at 100 feet. And also technically at
9 85 feet, also T-Mobile formerly Sprint. That merger
10 is somewhat recent; just within the last few months.
11 They're in the process of integrating the two
12 networks there.

13 So, it could be that one of those center
14 lines may no longer be used at some point in the
15 future once they do consolidate some of their sites.
16 But there are some other antennas that are on the
17 tower, as I mentioned, some of the previous
18 incarnations of carriers that have gone away through
19 mergers and acquisitions. Other than the ones that I
20 mentioned, I believe the rest to be dormant.

21 MR. COOPER: Because -- what's the
22 fallout? If we put -- combine all these companies,
23 will a fallout still be under the FCC guidelines or?

24 MR. PETERSOHN: It will. And that
25 analysis that I have done here includes the

1 cumulative effect of all these companies. And what I
2 do, as I mentioned, I look at this from an absolute
3 worse-case scenario and because there is an
4 installation down here at 62 feet, 18 feet -- 62
5 which is the lowest and, therefore, closest to the
6 general public that could be walking or driving or
7 somehow near the bottom of the tower.

8 One of the many upper-limit assumptions I
9 make is that all of those providers are actually at
10 the lowest height that any of them are installed.
11 Through simulation, I simply put all of the antennas
12 down at 62 feet which, of course, will exaggerate the
13 exposure calculations to a great degree beyond what
14 the exposures levels will actually be. And that's
15 just one of many upper-limit assumptions that I make.

16 CHAIRMAN HAMILTON: When you say
17 something about reception, in other words, the police
18 couldn't get good reception?

19 MR. PETERSOHN: That's right.

20 CHAIRMAN HAMILTON: I'm saying, why
21 didn't you have one of the police up here with you?
22 You said one of the policemen said it. Why didn't
23 one of them come here?

24 MR. PETERSOHN: I'm not sure. Maybe our
25 first witness could elaborate a little bit more on

1 the complaints that --

2 CHAIRMAN HAMILTON: I'm more worried
3 about the cops. That's who we should have had in
4 there. You're just tellin' us somethin'; tellin' us
5 something. But then you said about the cops and then
6 sayin', well the cops said so and so. Oh, we ain't
7 sayin' nothing.

8 MS. FRITZGES: I know we had spoken about
9 that, Mr. Chairman. I think the bigger issue is,
10 regardless if the cops had come or testified to that
11 or not, what Mr. Petersohn is showing on his map,
12 show exactly what we're essentially saying the cops
13 are saying; that there is an issue. So regardless if
14 the cops were saying it or not, his testimony would
15 be the same that there's still an issue regardless of
16 who would say it.

17 CHAIRMAN HAMILTON: Okay. That's all
18 right. I don't like to do this on Zoom anyhow. I
19 like to see stuff.

20 MS. FRITZGES: We wanted to point that
21 out that they did come to us and expressed a
22 concern. But by no means does that mean that even if
23 they didn't say it, we still don't need this site for
24 the same reasons.

25 Mr. Solicitor, if anyone has any

1 questions for this witness, I can go to my next one.

2 MS. MERRICKS: I have a question. So are
3 you guys upgrading or are you adding another antenna
4 and is it a 5G?

5 MR. PETERSOHN: I missed the first part
6 of that question. Sorry.

7 MS. MERRICKS: Are you guys doing an
8 upgrade or are you just doing the same tower as you
9 did everywhere else? Or is this tower an upgrade to
10 20 feet up?

11 MR. PETERSOHN: Well, it's a new site for
12 Verizon. So this facility is not an upgrade occasion
13 at the moment. So in that sense it's not an upgrade
14 but it is planned with 4G technology as well as 5G
15 technology. So, it will have the latest and greatest
16 radio access network equipment installed, as well as
17 some future-proofed antennas here that we can perhaps
18 add things like additional channels to down the road.
19 It is by all means, state-of-the-art as far as the
20 installation.

21 MS. MERRICKS: Will it help the residents
22 in the area where the towers are?

23 MR. PETERSOHN: No. We're demonstrating
24 compliance with the applicable FCC code for this type
25 of installation as far as from any electromagnetic

1 exposure standpoint.

2 MR. EINGORN: Counsel, what's your next
3 witness going to testify regarding?

4 MS. FRITZGES: He will testify to the
5 site plan. That's Exhibit A-12. Just what we're
6 proposing. What we're proposing as an offer of
7 proof, it will show that all the equipment that we're
8 proposing is within an existing compound. And that
9 we're just putting a 20-foot extension on the top of
10 the tower with antennas. But that we meet all of the
11 other bulk area requirements except that we need a
12 tower setback.

13 He would also testify to the structural
14 analysis that I have marked as Exhibit A-13 and 14
15 that essentially says that this existing tower can
16 hold an extension of 20 feet. And also will testify
17 to how these towers are made so that they're safe.

18 MR. EINGORN: I think that relates to
19 your application. I think that's the bulk of your
20 application here. I think the issue with the
21 setbacks is if this tower falls down, that's why you
22 need 110 percent setback, right? I think that's
23 probably our most pertinent testimony. If we could
24 hear from that from that witness, that would be very
25 helpful.

1 MS. FRITZGES: Sure. I'll call Mr.
2 Tsoukalas.

3 MR. TSOUKALAS: Hi.

4 MS. FRITZGES: Could you identify your
5 name again and where you work and how you are
6 affiliated with Verizon Wireless?

7 MR. TSOUKALAS: Sure. My name is Petros
8 Tsoukalas. I work for Mazor Consulting. We're the
9 engineering firm that was reserved to make the plans.
10 I am a civil engineer licensed in the State of New
11 Jersey as well as 40-plus other states. I have been
12 in front of 300-plus jurisdictions including Camden
13 giving professional testimony such we're doing
14 tonight.

15 MR. EINGORN: I'm sorry, sir. I'm having
16 some difficulty hearing you. We do have a court
17 reporter. So, if I can't hear you, she can't hear
18 you.

19 THE REPORTER: I'm having difficult
20 hearing the witnesses. I think someone's low
21 bandwidth.

22 MR. EINGORN: I don't know. I think
23 every time the witness is moving his head, I have
24 trouble hearing him. I don't mean to be crass but if
25 you could keep your head a little still, it will

1 help. I apologize for the interruption.

2 MR. TSOUKALAS: We were reserved to
3 prepare the plans. I reviewed the plans.

4 MS. FRITZGES: Mr. Solicitor, if I could
5 qualify him as an expert in civil engineering?

6 MR. EINGORN: Yes. I think the Board is
7 satisfied that Mr. Tsoukalas is qualified to be
8 represented as a civil engineer.

9 MS. FRITZGES: Thank you. If Mr.
10 Tsoukalas could share his screen. If you could bring
11 up the site plan.

12 MR. TSOUKALAS: So, the existing site
13 that we're talking about tonight, is located at 699
14 Liberty Street. That is at the corner of Liberty
15 Street and South 7th Street. There is an existing
16 compound there, fence compound which encases all the
17 carriers that we were talking about earlier, the
18 existing carriers and the other cell phone companies.

19 The compound itself, Verizon Wireless is
20 supposedly utilizing an existing abandoned elevated
21 platform so we're not -- there's a platform out
22 there, steel platform that somebody else has stopped
23 using. Verizon is going to take this platform and
24 utilize it for their performance and not take up any
25 additional space or expand the compound itself.

1 The tower is an existing 100-foot
2 monopole-type tower located in the northwest corner
3 of the compound. The compound is approximately 54
4 feet by 30 feet wide. The existing platform is
5 approximately 11 feet by 22 feet high. As was stated
6 earlier, the monopole is an existing 100-foot
7 monopole. Verizon would like to extend this monopole
8 by a total of 20 feet. However, the actual
9 extension is 15 feet. And a five-foot lighting rod
10 that would be on top of that monopole extension.

11 The center line of the antennas, of the
12 new antennas, will be at 112 feet and the top of
13 those antennas will be at the same elevation as the
14 top of the tower at 115 feet. The tower itself is
15 owned and managed by a company called American Tower
16 Corporation. They prepare their own structural
17 analysis. So they prepared the structural analysis
18 on this site. It passes with structural modification
19 so it does require some structural modifications to
20 bring it up to code.

21 Once those structural modifications are
22 installed, the maximum usage including all the
23 existing antennas and all the proposed equipment is
24 at 97 percent utilization, which is below the
25 maximization of the tower including all the codes

1 specified calculations and requirements.

2 The equipment we're installing are two
3 equipment cabinets that look like small
4 refrigerators. They don't require any potable water
5 or sewer. It's an unmanned facility. It will
6 require a technician to visit the site once every
7 four to six weeks. The technician will visit the
8 site to make sure that the equipment is in working
9 order and cleans up the facility if there's any type
10 of debris. And they are there for about a half a
11 day, if that.

12 The antennas that we're proposing will be
13 at the top of the -- as we said, at the top of the
14 tower at 115 feet. They look like elongated shoe
15 boxes. So they'll look like all the other antennas
16 that are on that tower currently. That's all I have.
17 Is there anything else? Any questions?

18 MS. FRITZGES: Can you talk about how
19 this would withstand wind gusts and the weather
20 component?

21 MR. TSOUKALAS: Yes. So, it's a steel
22 monopole. The extension is a steel extension. It
23 was designed to withstand the load requirements per
24 the local New Jersey Design Codes. And as I stated
25 with those codes, with all the highest wind factors,

1 all the factors that are provided on here, it has as
2 96 percent usage.

3 MS. FRITZGES: And what does that mean,
4 Mr. Tsoukalas?

5 MR. TSOUKALAS: If you take all the
6 worse-case scenarios, you add them together, you add
7 your multiplications -- your factors of safety on and
8 compare it to what the code requires, we are still
9 under 100 percent of what that code requires. So,
10 it's at 96 percent structural utilization. And it's
11 safe compared to the codes.

12 MR. EINGORN: Are there any safeguards in
13 place that would render this additionally safer than
14 just, it could withstand the gusts? Does it break in
15 half; does it have a pivot or a swivel or a hinge,
16 something, or anything that would mitigate this large
17 tower toppling over for some unknown reason?

18 MR. TSOUKALAS: These monopole towers
19 typically -- this one wasn't -- isn't a new one so I
20 don't have the brand -- the design of exactly how it
21 was originally constructed. But typically, the way
22 that these fail, they fail at about one-third of the
23 height down because the lower the pole is, the wider
24 it is, the more steel and more resistance it has.
25 Most of the loading is at the top. It's a cantilever

1 so it's like having a post sticking out of the ground
2 and you're pushing at the top of the post.

3 If it's going to fail -- and the base is
4 in a concrete foundation that's site specific and
5 designed to withstand the loading, the maximum
6 loading that can put on this tower. If there is a
7 failure point, it typically is around a third of the
8 distance down from the tower. However, it wouldn't
9 crumble or fall. It would kink like a straw. If you
10 took a straw and you pushed, held the bottom of the
11 straw and you pushed the straw at the top, it kinks
12 over. It's the same type of idea here since it is a
13 tubular structure.

14 MS. FRITZGES: And, Pete, that portion of
15 the pole is already existing, correct, where it
16 wouldn't fail?

17 MR. TSOUKALAS: Yes. That's already
18 there. That's already existing. Again, we're adding
19 15 feet of tower and 5 feet of lightning rod to this
20 tower.

21 CHAIRMAN HAMILTON: Do we got anything
22 else?

23 MR. COOPER: Is this a pretty accurate
24 picture of what tower looks like now?

25 MR. TSOUKALAS: Yes.

1 MR. COOPER: Now, you're saying that some
2 of these antennas will be dormant, right? They won't
3 be in use anymore?

4 MR. TSOUKALAS: Some of them are. Some
5 of them are from companies that either, as Mr.
6 Petersohn said, aren't in business anymore or they're
7 part of mergers like Sprint, T-Mobile. There's some
8 Cricket equipment on here; some Clear Wire equipment;
9 some companies that have been acquired by other
10 companies such as AT&T or T-Mobile.

11 MR. COOPER: Okay.

12 MR. EINGORN: Any questions from the
13 Board for this witness?

14 REVEREND MARTINEZ: For some reason the
15 volume is so low. I can barely hear.

16 CHAIRMAN HAMILTON: What did you say,
17 Rev?

18 REVEREND MARTINEZ: I can't hardly hear.

19 CHAIRMAN HAMILTON: It breaks up a lot.

20 MR. COOPER: Another thing here. Because
21 this tower is already existing which is why you guys
22 are really pushing for this tower?

23 MS. FRITZGES: That's correct. We
24 preferred -- if we didn't have somewhere to
25 co-locate, we'd have to find somewhere to put a brand

1 new tower. And no one wants to do that including the
2 carriers. So, if they have an existing tower that
3 they can use, they'd rather do that.

4 And they also don't want to have to even
5 put extensions on if they don't have to. I mean, if
6 there wasn't a need, they wouldn't be coming to
7 boards and asking to put equipment up. But there is
8 a need. But, yes, to answer to your question, it's
9 much preferable if we have an existing structure, if
10 we can put an extension on it. And this happens to
11 be an area where we needed it and it works.

12 MR. EINGORN: How come you can't simply
13 replace the pre-existing antennas for, say, Cricket
14 or some other dormant antenna?

15 MS. FRITZGES: I think that's a question
16 for Andy Petersohn potentially, the height.

17 MR. PETERSOHN: We need the height,
18 number one. We got a significant gap here. And
19 there is a carrier at 100 feet. So in reality if we
20 could just do whatever we wanted, we would still be
21 down at 90 feet or so and we need every foot that we
22 have here.

23 And then the other part of that is the
24 existing rights to those heights on the tower are
25 likely still preserved by the company who inherited

1 the lease. And I don't know the details of the deals
2 that they have. But it's not uncommon that they sign
3 longterm deals and without anticipating, of course,
4 that their company would merge with another provider.
5 So, it could be that those center lines are still
6 spoken for and have been paid even though the entity
7 has been absorbed by one of the other providers.

8 From a practical prospective, that also
9 plays a role. But from a design prospective, we do
10 have a pretty significant gap here on a very busy
11 interstate and then all those surrounding areas that
12 we looked at earlier that need improved service. So,
13 we need a lot of height here.

14 MS. FRITZGES: Andy, just to follow up on
15 that. If by chance this doesn't get approved, that
16 need doesn't go away, correct? We would need to find
17 somewhere to put a new pole or another extension; is
18 that right?

19 MR. PETERSOHN: Right. And I say this a
20 lot. If the extension is not approved, yes, the
21 radio frequency need still remains. The subscribers
22 here that are having issues will continue to have
23 issues. So, what Verizon Wireless will have to do
24 is, seek to construct a new tower-type structure
25 somewhere in very close vicinity here. And, of

1 course, from a lot of perspectives, that's more
2 impactful than a relatively short extension of
3 a 15-foot tower extension on a facility like this
4 that is really hardly noticeable from an esthetic
5 prospective.

6 MS. FRITZGES: And potentially and
7 depending where that alternative site would be, it
8 would be at the existing height or it could be
9 higher, is that right, depending on where it is?

10 MR. PETERSOHN: Could be. Depending on
11 the particulars, it could be taller. This facility
12 fits extremely well into the missing puzzle piece, if
13 you will, of coverage here that we looked at. It's
14 ideally located. So, if we were to find a piece of
15 vacant property to build a new tower on that was not
16 so ideally located, it could be that we would need
17 some more height.

18 CHAIRMAN HAMILTON: Do we got anything
19 else? Anybody on the Board? Anymore questions?

20 REVEREND MARTINEZ: I'm good.

21 MR. COOPER: I'm good.

22 CHAIRMAN HAMILTON: Anybody in the
23 audience for or against?

24 MR. EINGORN: Karen, do you have
25 something?

1 MS. MERRICKS: Yes, I had a quick
2 question. I'm sorry. I just wanted to know how many
3 feet are the towers apart from each other that you
4 have here?

5 MS. FRITZGES: Can you repeat that? I'm
6 sorry.

7 MS. MERRICKS: I was asking how far are
8 the additional towers that they have in Camden, how
9 far apart are each tower, like how many feet?

10 MS. FRITZGES: Do we know that, Andy, how
11 many feet?

12 MR. PETERSOHN: Yes. It would be easier
13 to discuss in terms of miles or portions of miles.
14 So, if you look at those sites to the north of Ben
15 Franklin Bridge, the Camden Waterfront site and the
16 Camden site, they are on the order of about a mile
17 and a half from one another or so. And then this
18 site is about, just kind of ballparking on my
19 exhibits, about two miles. That's pretty typical in
20 a well-traveled, well-populated area like this.

21 MS. MILLER: Mr. Latko, would like to
22 speak.

23 MR. LATKO: Through the Chair, Jonathan
24 Latko, Penn Street, Camden, New Jersey. Quick
25 question related to the contract you mentioned.

1 There's other providers that are renting space on the
2 pole. What kind of revenue is generated? Like what
3 do you pay per month or per year to add this type of
4 service to that pole?

5 MS. FRITZGES: We typically -- that's
6 proprietary information. Even in our leases we
7 redact that out because that's proprietary to our --
8 to Verizon Wireless and to all the carriers. So,
9 unless we get authorization from the client, we
10 typically don't disclose that for various reasons.

11 MR. LATKO: Okay. Just one concern would
12 be values of property in the City are depressed. We
13 don't collect enough tax revenue across the City.
14 So, when there are commercial applications to
15 properties and that value of that property is
16 increased, we would hope the City realizes those tax
17 incentives like basically the property is worth more,
18 they pay more taxes on that property.

19 MS. FRITZGES: And I can tell you we do.
20 I can absolutely tell you that is in the lease that
21 any taxes that's raised from all of that. And they
22 do from my experience, they do increase their value.
23 Those antennas specifically -- you know, the
24 improvements are taxed. So, there is an increase in
25 revenue for the City and Verizon Wireless does pay

1 those taxes.

2 MR. LATKO: Thank you.

3 MR. EINGORN: Do any other members of the
4 public would like to be heard on this application?
5 Hearing none, we'll close the public portion.

6 Does the Board want to discuss the
7 Positive and Negative Criteria related to the
8 requested bulk variance for permission -- I'm
9 sorry -- for the set -- tower setback? And then the
10 applicant is also requesting a waiver of minor site
11 plan.

12 MR. COOPER: I'm just not sittin' real
13 easy with this because our City is nine square miles
14 and we got so many of these antennas now that's
15 around there. And if we're going to add more
16 antennas to the City with nine square miles, our
17 surrounding communities don't have nowhere near this
18 amount of antennas.

19 CHAIRMAN HAMILTON: It's helping your
20 cell phone, right? Everybody got cells phone
21 nowadays.

22 MR. COOPER: Yes.

23 MR. EINGORN: Mr. Cooper, are you saying
24 that it's better to put them all together on this one
25 or are you saying that there should be a different

1 antenna? I'm sorry.

2 MR. COOPER: There should be a different.
3 It's just like, we just got so many in the City, man,
4 and within miles apart of one another.

5 CHAIRMAN HAMILTON: Ain't too much you
6 can do. Like I said before, everybody got cell
7 phones.

8 MR. COOPER: Yeah.

9 CHAIRMAN HAMILTON: Ain't too much you
10 can do.

11 MR. COOPER: All right.

12 CHAIRMAN HAMILTON: Okay. Anybody else
13 on the Board?

14 REVEREND MARTINEZ: No.

15 CHAIRMAN HAMILTON: We are ready to
16 vote.

17 MR. EINGORN: We need a motion to either
18 approve or deny the application for a bulk variance
19 and waiver of site plan. Reverend Martinez, are you
20 making a motion?

21 REVEREND MARTINEZ: A motion to accept.

22 CHAIRMAN HAMILTON: I second it.

23 MR. EINGORN: I'll take a roll-call vote.
24 Chairman Hamilton.

25 CHAIRMAN HAMILTON: Yes.

1 MR. EINGORN: Vice-chairman Hance. We'll
2 come back to him. Reverend Martinez.

3 REVEREND MARTINEZ: Yes.

4 MR. EINGORN: Ms. Merricks.

5 MS. MERRICKS: Yes.

6 MR. EINGORN: Mr. Cooper.

7 MR. COOPER: Yes.

8 MR. EINGORN: Let the record reflect --
9 is that a no from Vice-Chairman Hance?

10 MS. MILLER: He's frozen.

11 MR. COOPER: Can he call in?

12 MS. MILLER: He just moved.

13 Vice-Chairman Hance, is that a yes or no for you?
14 See if you can put up a piece of paper and write on
15 it yes or no.

16 MR. EINGORN: His screen freezes up.

17 Let the record reflect that was four
18 votes in favor for a bulk variance. This motion
19 would pass. For completeness sake, though, we should
20 know whether or not Vice-Chairman Hance has voted in
21 favor or against the application.

22 CHAIRMAN HAMILTON: Are you for it or
23 against?

24 MR. EINGORN: Can somebody put him on
25 speaker.

1 MR. COOPER: I'm trying to get him now.

2 MR. EINGORN: Thank you, Mr. Cooper.

3 MR. COOPER: He can't accept my call
4 right now.

5 CHAIRMAN HAMILTON: We need to do
6 something with this here Zoom. This happens every
7 time we have it. We can't get him on the phone. How
8 many do we got?

9 MR. EINGORN: Like I said, the motion
10 passes regardless of his vote. The motion passes so
11 let's start there.

12 VICE-CHAIRMAN HANCE: Yes.

13 MR. EINGORN: What was that? I believe
14 we had a yes. That would be five votes in favor.
15 That will conclude that application for tonight.

16 MS. FRITZGES: Thank you so much.

17 MR. EINGORN: Thank you, Counsel. We
18 appreciate your time. I need a short break. I'll be
19 right back.

20 - - -

21 (Whereupon the proceedings are off the
22 stenographic record.)

23 (Whereupon the proceedings are back on
24 the stenographic record.)

25 - - -

1 MR. EINGORN: I'm back on. We're ready
2 to begin the next application which would be Eli
3 Gabay, 422 Chambers Avenue, Block 1409, Lot 53. I
4 believe the applicant is represented by Mr. Izzo.
5 Mr. Izzo, good evening. We can't hear you.

6 MR. IZZO: My name is Charles Izzo.
7 We're ready to proceed with our application.

8 MR. EINGORN: Very good. Please present
9 the application.

10 MR. IZZO: The owner of the property is
11 Jeefy Holdings, LLC, Mr. Gabay.

12 MR. EINGORN: Mr. Izzo, we can't hear
13 you. You need to speak towards your camera or your
14 microphone. When you tip your head, we can't hear
15 what you're saying.

16 MR. IZZO: There is no new construction
17 is proposed. There's a house there with two legal
18 living units. The duplex use is a permitted legal
19 use. There's no construction. Mr. Gabay has
20 assembled materials which show the configuration of
21 the existing property. It's a very clean property;
22 very nicely set up. He wants a zoning permit. He
23 was declined because his lot is 16 feet wide --

24 MS. MILLER: Mr. Izzo, can you turn up
25 your volume?

1 MR. IZZO: Yes. The City Ordinance
2 specifies 20 feet.

3 MS. MILLER: Still can't hear you good.
4 It's like a whisper.

5 MR. IZZO: The City Ordinance specifies
6 20 feet. And the lot on Chambers Avenue happen to be
7 16 feet wide; very old street. The house is built in
8 1800's. And also, his lot is 92 feet deep. The
9 Ordinance is 100 feet. A very De Minimus Exception.

10 REVEREND MARTINEZ: Counsel, you need to
11 raise the volume on your phone. We can't hear you.

12 MR. IZZO: I'm speaking on a computer.
13 I'll try to move the volume up to the max.

14 Mr. Gabay is going to take over. I'm
15 just introducing his application. There are very
16 minimal bulk variances that are needed to permit this
17 zoning permit on this existing, I believe, used
18 property. Mr. Gabay?

19 MR. GABAY: I'm Jonathan Gabay. This is
20 my brother, Eli. We both own --

21 MR. EINGORN: I'm sorry. Hold on.
22 Before you start, we need to swear you in. If you
23 could raise your right hand if you're going to
24 testify and Chairman Hamilton will swear you in after
25 he unmutes himself. Chairman Hamilton, you're muted.

1 CHAIRMAN HAMILTON: I'm here. Can you
2 hear me?

3 MR. EINGORN: Now we can.

4 CHAIRMAN HAMILTON: Raise your right
5 hands.

6 - - -

7 JONATHAN GABAY, ELI GABAY, having first
8 been duly sworn/affirmed, was examined and testified
9 as follows:

10 - - - EXAMINATION - - - -

11 CHAIRMAN HAMILTON: Give your name and
12 address to the secretary.

13 MR. JONATHAN GABAY: Sure. Jonathan
14 Gabay, 1321 Heartwood Drive, Cherry Hill, New Jersey
15 08003.

16 MR. ELI GABAY: Eli Gabay, 1321 Heartwood
17 Drive, Cherry Hill, New Jersey 08003.

18 MR. IZZO: Mr. Gabay, please explain to
19 the Board what's on your property at 422 Chambers
20 Avenue.

21 MR. JONATHAN GABAY: Sure. So, the way
22 422 Chambers stands today is currently a duplex.
23 I have a presentation if I could share my screen.
24 Can everyone see my screen?

25 CHAIRMAN HAMILTON: Yes.

1 MR. EINGORN: Yes.

2 MR. JONATHAN GABAY: Do you see the
3 presentation?

4 MR. EINGORN: Yes.

5 MR. JONATHAN GABAY: So, 422 Chambers,
6 we conducted an OPRA Request. Essentially we
7 purchased our property in June of 2019. And can
8 everyone see this OPRA request screen that I have up?

9 CHAIRMAN HAMILTON: Yes.

10 MR. JONATHAN GABAY: So, an OPRA Request
11 is an Open Public Records Act that anyone can find it
12 with the City of Camden. We submitted an application
13 for all this zoning construction and any documents
14 that had to do with the property. And what we found
15 was, in 1988 the property was found to be a duplex
16 where they even have the number of units too. Can
17 everyone see my cursor?

18 MR. COOPER: Yes.

19 MR. JONATHAN GABAY: Okay. So, the
20 number units are two and it has the correct bath
21 counts and everything with the kitchens.
22 Furthermore, on the second page, it specifically
23 makes mention in 1987, there was a total rehab or the
24 property on the second floor and a partial on the
25 first. And it makes mentions that there's a

1 three-bedroom unit and a two-bedroom unit. So, it
2 turned into a two-unit house. And it mentioned that
3 it was for sale. This was specifically mentioned in
4 the 1988 card.

5 Then there was a 2000 re-val in the City
6 where the Tax Assessor went to the property
7 physically and saw that the property was two units
8 and they made mention on the record that it was
9 physically inspected back in 2001 to be two dwelling
10 units. So then we dug even further and went into the
11 most recent parts which show the correct two units
12 and everything with the bedroom counts and bathroom
13 counts are the same. And this is the current card,
14 two units and it basically has the correct
15 three-fixture bath and it has the correct
16 information.

17 So, when I pulled my OPRA prior to our
18 ownership, we could see that in 2014, there was a
19 rental approval for a B Unit for use as an A Unit and
20 this shows that it's a two-dwelling property. And
21 prior to 2014, certificate of occupancies weren't
22 being enforced. Only after that purchase did
23 certificate of occupancies become a prerequisite to
24 getting a rental certificate.

25 So, also, the City of Camden is issuing

1 two water bills for two separate meters. This is
2 City-issued bills. One for the Apartment A and one
3 for the Apartment B with their respective account
4 numbers and their respective usage. As you can see,
5 on the left-hand side, I have the Apartment B. They
6 have their own usage; they have their own account
7 balance and so does A.

8 Now, I even have a CO on the property.
9 When we purchased it back in June, we were issued a
10 certificate of occupancy and a fire certificate from
11 the seller for a Certificate of Continued Occupancy
12 which showed change of tenant and/or occupancy
13 retail. It was a two-unit dwelling. And it gave us
14 an 'A' and a 'B' and an 'A' and a 'B.' I even have
15 two rental approvals from the City that shows that it
16 was inspected and we were offered our approvals for
17 two units. This is 'A' for the first floor and 'B'
18 for the second floor.

19 Now, I want to say with some of the
20 variances, they're talking about lot depth, width and
21 stuff like that. This is a pretty uniformed block
22 and these are some of the other multi-families on the
23 block with the same width size, length, et cetera.
24 Now, these are the current existing electrical
25 conditions. As you can see here, they even have the

1 City approval inspection stickers which coincide with
2 the mention on the 1987 card that they were done in
3 1985 because these inspections are from 1985 and '86
4 respectively on both separate panels as well as the
5 meter box outside. Let me zoom out a little bit.

6 Now, we're going into the existing
7 mechanicals. Everything in here is as it stands
8 today. Second floor unit is mentioned on the water
9 heater, the two gas meters. This is put in 1985, 35
10 years ago when made mention on the tax card as well
11 as the two heater units. As you can see when you
12 walk in, you have 'B' going up stairs and 'A' is to
13 the right. So, the first floor unit is an 'A.' The
14 second floor unit that coincides with the third floor
15 unit, is Unit B.

16 This is just a little bit of what's going
17 on inside the property. This is the living room and
18 kitchen of the first floor apartment. This is the
19 bathroom of the first floor apartment. This is
20 looking the other way towards the rear. This is the
21 living room on the second floor of the second floor
22 Apartment B. This is the kitchen. And you can sort
23 of see in the bottom right, the stair entrance, the
24 vestibule. And this is the bathroom as on the third
25 floor and the second floor. There's two bathrooms on

1 the 'B' Unit. One's on the second floor and one's on
2 the third floor. So, these are the current
3 conditions that the property are in as we acquired
4 them and as they stand today.

5 CHAIRMAN HAMILTON: It says two
6 bedrooms -- I mean, two-story apartments?

7 MR. JONATHAN GABAY: So, the first floor
8 is a straight through. The layout is, living room,
9 kitchen, bathroom.

10 CHAIRMAN HAMILTON: Yeah. I lived on
11 there. I know where it's at. What I'm asking you,
12 what about -- how do they get out upstairs if
13 something happens?

14 MR. JONATHAN GABAY: Through the main
15 stairs. So there's only one staircase going up which
16 is --

17 CHAIRMAN HAMILTON: Right.

18 MR. JONATHAN GABAY: So that's the way
19 they would be getting out of the property through
20 that staircase.

21 CHAIRMAN HAMILTON: If something happens
22 a fire breaks out, how are they going to get out, is
23 what I'm sayin'?

24 MR. JONATHAN GABAY: The stairs through
25 the front.

1 CHAIRMAN HAMILTON: Okay. Because we
2 already had somebody came in through that. They got
3 to fix something. Either put a fire escape so they
4 can get out and thing. They can't just do it like
5 that now.

6 MR. JONATHAN GABAY: If that is what they
7 need out the bay on the second floor, it's pretty
8 much a yard. I wouldn't have any problem putting in
9 a fire escape. As a stipulation, I will be happy to
10 do that.

11 MR. COOPER: That's fine.

12 MR. EINGORN: You'd have to work with the
13 fire inspector or fire marshall to determine that
14 that's the course of action with the installation
15 of a fire escape.

16 MR. JONATHAN GABAY: I've been in contact
17 with them recently. I pretty much on different
18 projects throughout the City, so I would be sure to
19 be in contact with them.

20 CHAIRMAN HAMILTON: When you get in touch
21 with them, how will we know? Do you got to come back
22 in front of us?

23 MR. JONATHAN GABAY: If you want, we can
24 make it a condition on the approval and then I could
25 submit it through my attorney to the Board, to the

1 Zoning Department through Dr. Williams or even Ms.
2 Davis.

3 However you want, I can make that a
4 condition of your approval. So, if they want to give
5 a certification that they think everything is fine
6 given the egress that they propose, I would work with
7 them to tell me exactly what they want.

8 CHAIRMAN HAMILTON: It's got to have a
9 fire escape.

10 MR. JONATHAN GABAY: That's fine.

11 MR. EINGORN: Mr. Gabay, do you have
12 any further testimony or exhibits?

13 MR. JONATHAN GABAY: I actually do as
14 well. Let me get out of my screen. Can everyone see
15 this presentation now with the street view?

16 MR. COOPER: Yes.

17 MR. JONATHAN GABAY: Okay. So, this is
18 Chambers Avenue. Pretty much all houses are
19 uniformed. We have 422. This is a Google Maps image
20 from 2019. It's the second house in. Basically, one
21 of the requirements was parking. Jeefy Holdings owns
22 422 Chambers. And I also own a property on a condo
23 on Berkley Street, 638A which is a little less than a
24 100 feet away. 638A Berkley is part of Cooper Plaza
25 Condominium Association. So back in the late 90s,

1 there was a conversion of rowhomes on the 600 block
2 of Berkley between 620 and 644 that we turned into
3 bi-level condos.

4 So, essentially the condominium
5 association owns various parking lots. One is
6 actually behind Chambers Avenue on 7th Street. And
7 what I have agreed to between the two entities was to
8 make a lease agreement. Essentially, this shows the
9 owner of record for 422. This shows the owner of
10 record of 638A Berkley and the Cooper Plaza
11 Condominium Association. This is only if needed.

12 MR. EINGORN: We're not seeing what you
13 are seeing.

14 MR. JONATHAN GABAY: Do you not see my
15 screen?

16 MR. EINGORN: We just see the picture of
17 Chambers Avenue looking toward Berkley Street.

18 MR. JONATHAN GABAY: Hold on. Let me try
19 to see. Can everyone see -- hold on. Let me try to
20 share this share.

21 REVEREND MARTINEZ: I saw it.

22 MR. JONATHAN GABAY: Can everyone see
23 this?

24 REVEREND MARTINEZ: Yeah, I see it.

25 MR. JONATHAN GABAY: So how far did we

1 get in not being able to see everything?

2 MR. EINGORN: This is the first we're
3 seeing the street near 422.

4 MR. COOPER: So right there.

5 MR. JONATHAN GABAY: So, this the street
6 view. It's pretty uniform. Back in the far corner
7 over there you can sort of see Berkley Street.
8 Essentially this -- can everyone see the street from
9 the street view?

10 MR. EINGORN: Yes.

11 MR. JONATHAN GABAY: So, this is 422
12 Chambers. It's pretty uniform as you can see. This
13 is the parking solution if it poses an issue because
14 it was one of the requirements, although it's been as
15 it's been standing for over 35 years. Essentially,
16 we own a condominium in Cooper Plaza Condominium
17 Association which has granted a spot for the condo
18 owners. And the condo owner -- this is the tax
19 records of 422 Chambers. This is the tax record for
20 638 Berkley showing that's part of Cooper Plaza.

21 And the parking lot that I'm talking
22 about is directly behind the property. Or it's
23 actually like three down off of 7th Street. So, we
24 have an executed lease, if needed, for an additional
25 car, although currently, only one of its units has a

1 car. So, this is 422 Chambers. Does everyone see
2 the aerial map? This is 422 Chambers. This is our
3 condo in Berkley Street. We're referring to this
4 parking lot on 7th Street which coincides with the
5 Cooper Plaza Master Deed for the parking lot for
6 their condominiums.

7 We have a parking spot in there for 638A
8 Berkley which is being unused. And if needed,
9 we have a lease agreement for 422 if they need
10 another vehicle. Although we do have --
11 historically, the tenants have either had one vehicle
12 or the current first-floor tenant doesn't have a
13 vehicle at the moment. And even if they have guests,
14 there is a parking lot, parking at Cooper Hospital,
15 for them in the parking garage, if needed.

16 So, this is the current conditions, where
17 the ones with the stars are multi-family properties
18 on the block already. This is 422 Chambers. And
19 this is the summary for the parking. We don't
20 foresee the parking being a new issue as it has been
21 like that since 1985 which is 35 years. We currently
22 have one tenant with a vehicle. But there has been
23 in the past, two tenants with vehicles with
24 City-issued parking permits through their lease.

25 If the Zoning Board finds that current

1 conditions for 35 years insufficient, we have the
2 lease to alleviate any detriment that would happen to
3 the area that might bring any future concerns from
4 the area. And that is it.

5 MR. EINGORN: An questions from the
6 Board?

7 CHAIRMAN HAMILTON: Where you are going
8 to park at?

9 MR. JONATHAN GABAY: Currently we have a
10 street parking permit for one of the units. The
11 other one, we don't have any parking right now
12 because they don't have a vehicle. But we were
13 saying, we would issue, if needed, that extra deeded
14 spot for the Cooper Plaza Condominium. We have a
15 lease, if needed, for the additional vehicle so it
16 won't be taking up street parking. Although
17 historically for 35 years, there's never been any
18 sort of arrangement to alleviate that parking
19 concern. This is just something that I'm trying to
20 take the step ahead if there's any new concern that's
21 been arosen due to the fact that we're bringing this
22 in front of the Board despite having the CO.

23 The reason why we came across this zoning
24 issue in the first place, we have the CO. It's just
25 trying to clear any later discrepancies down the line

1 if we decide to sell the property or something like
2 that. Everything that's currently going on is --
3 once done legally between the CO and the rental certs
4 and the lease agreements, everything is done to the
5 process. It's now just trying to figure out how come
6 this was never approved when the construction permits
7 were issued back in 1985, which the City had records
8 of in the construction office and tax office. It
9 seems to be it was mistakenly overlooked in the
10 zoning process. So, we're just trying fix that issue
11 now.

12 CHAIRMAN HAMILTON: Anybody from the
13 Board have any questions?

14 REVEREND MARTINEZ: I think it's a
15 beautiful place. I mean, I don't got no issue.
16 I see looking through the application and looking
17 through the pictures which he gave us a nice set of
18 pictures and location of the property which I know
19 pretty good what it is.

20 Knowing that it's not too many people,
21 too many apartments in that street there, I think
22 it's a go; it's good; it's nice; it's clean. And I
23 think they're trying to do the best for this property
24 and bringing our City where it belongs like when it
25 comes to properties. I think it's good. I don't see

1 nothing wrong with it, except if they're going to
2 clear it for the fire escape.

3 MR. JONATHAN GABAY: That's fine. I have
4 no problem with that.

5 CHAIRMAN HAMILTON: Yeah.

6 MR. EINGORN: Are there any other
7 questions for the applicants right now because we
8 still have to open to the public so we should clear
9 up any questions before we discuss the Positive and
10 Negative --

11 MS. DAVIS: Kyle, do you hear me?

12 MR. EINGORN: Yes.

13 MS. DAVIS: I just wanted to make mention
14 of some things that he mentioned.

15 MR. EINGORN: Yes.

16 MS. DAVIS: As far as the current
17 property cards, I just want to make a correction. As
18 far as the current property cards, when the Tax
19 Assessor goes out to assess, they assess actually
20 what they see. That doesn't necessarily mean it was
21 legally converted. And in the past, the offices were
22 not too much communicating. So rental approvals that
23 have been with illegal converted properties, can't
24 have a CO without having zoning approval. And this
25 doesn't have zoning approval.

1 MR. EINGORN: I think that's what the
2 applicants are pretty much telling you is, they went
3 to every office in the City and everybody had
4 something related to two units except the zoning
5 office and that's why they are here.

6 MS. DAVIS: Right. Yes, he had a CO.

7 MR. JONATHAN GABAY: I do have a CO on
8 the property.

9 MS. DAVIS: Okay.

10 CHAIRMAN HAMILTON: Like I said, I don't
11 have no problem but you need a fire escape because I
12 lived over there. There's no place out back that you
13 can go out. You got to put a fire escape there.

14 MR. EINGORN: Do you want to open it up
15 to the public?

16 UNIDENTIFIED SPEAKER: I have a question.

17 MR. EINGORN: Who is speaking?

18 MS. BRISBANE: My name is Jacqueline
19 Brisbane. I have a building on Berkley Street, the
20 end of the row. I've spoken to Mr. Jonathan Gabay
21 and I have a question for you regarding parking. The
22 parking lot -- 651 Berkley Street is the building
23 that I own. It is on the odd side of the street.
24 The parking lot for -- that side of the street
25 there's five properties on that side. The parking

1 lot only provides for ten parking spaces. Your
2 address is 438. That's on the opposite side of the
3 street. So, your parking lot is behind those
4 properties, is that right, your parking space is
5 behind those properties on the even side of the
6 street?

7 MR. JONATHAN GABAY: Cooper Plaza --

8 MS. BRISBANE: The reason why I'm
9 bringing up the parking situation, is because Cooper
10 Plaza has provided a parking space for each condo on
11 the odd side of the street from 651 to 659. We are
12 impacted with illegal parking, unauthorized parking
13 from the Washington Street residents. They park in
14 our parking lot all the time. Whenever I come to
15 visit the property, I have to park on the street.
16 So, parking is a difficult situation and it's
17 abused.

18 Now, Cooper Plaza Condo Association is
19 saying that -- they have a sign posted that says,
20 only authorized parking. That's ignored. Even
21 people from Cooper Plaza -- I'm sorry -- people from
22 Cooper Hospital come down and park. I have observed
23 that. So, I am having some problems with parking and
24 not only that, but that's not your problem. But
25 there's some issues with the municipal alley behind

1 there that runs the north side -- north-south side of
2 my building.

3 It's been taken care of to a certain
4 extent, Jonathan, but I will call you about specific
5 problems and having problems with getting Cooper
6 Plaza to point the bricks on my building. And people
7 have been nailing boards to contain or hold on to the
8 fence that's in the alley behind -- the one that's
9 perpendicular to the building on that side of the
10 street, the rear of that street.

11 I just want to get a clear explanation as
12 to where the parking space you are saying you have
13 for your apartment. As long as it's on the other
14 side behind the even side of Berkley Street, that's
15 fine. I'm on the odd side of Berkley Street. And to
16 get parking when I come there to visit the building,
17 I do not have a parking space. That's another issue.
18 And I don't know if I need to have Cooper Plaza do
19 something about having the Parking Authority
20 give us parking. What do you call it --

21 MR. EINGORN: Ma'am --

22 MS. BRISBANE: -- posters or something.

23 MR. EINGORN: That's a Parking Authority
24 issue. If you want clarification on where the
25 parking is, the applicant is ready to answer that.

1 Mr. Gabay.

2 MR. JONATHAN GABAY: Regarding the
3 parking, when I reviewed to bylaws of the Condo
4 Association, they have that parking lot as well as
5 they have one behind Berkley Street on what's defunct
6 Felton Street. There's two parking lots that they
7 have that are used as communal parking for the Condo
8 Association. And if you want -- hold on. Let me
9 share my screen one more time. I'll show you. For
10 Cooper Plaza Association, the condominiums at 433 S.
11 7th, does everyone see this record?

12 MS. BRISBANE: Yes.

13 MR. JONATHAN GABAY: The additional lots
14 is a parking lot. Now, Cooper Plaza Condominiums
15 encompasses 620 to 644. We have to have two lots.
16 Currently, we don't use that lot so any detriment
17 that's caused by the public or by Cooper, by
18 Washington, is not anything from this property. We
19 don't currently even use that lot. We don't park in
20 it; nothing. Any problem with that, I guess, we
21 should talk to the Condo Association with. I know
22 that's owned by Mr. Caruso or run by him at least.

23 But the parking that I had, if needed, is a
24 deeded spot that belongs to 638 Berkley, wherever
25 that might be, if it's either on the 7th Street side

1 or the Berkley Street side, I'm just putting that out
2 there and making it known that I'm not here to cause
3 a parking detriment.

4 MS. BRISBANE: No. I just want to
5 confirm that the parking space that you were
6 mentioning is behind the even side of the street.

7 MR. JONATHAN GABAY: Correct.

8 MS. BRISBANE: That clarifies the
9 position of that parking lot.

10 MR. JONANTHAN GABAY: Yes, Yes. To
11 clarify --

12 MS. BRISBANE: You know, my building has
13 a parking lot behind it, behind the odd side of the
14 street. And I just wanted to know that you are
15 talking about the parking lot behind the even side of
16 Berkley Street.

17 MR. JONATHAN GABAY: Wherever the Cooper
18 Plaza parking lot spot designated for 638A Berkley
19 wherever that might be, if I have to get
20 clarification, I don't think there's reserved, like
21 this is for 638, this is for 641, I don't think --

22 MS. BRISBANE: No. Just available
23 space --

24 MR. EINGORN: Ma'am, you have to wait
25 until he finishes his question. The court reporter

1 has to take everybody down. If you want to speak,
2 you got to show your face so we can see whether
3 you're done speaking or not. To have your screen
4 black, is really unhelpful to our court reporter, to
5 the applicant and to the Board members.

6 MS. BRISBANE: I understand. But he
7 answered my question.

8 MR. EINGORN: Okay. Thank you.

9 MS. MILLER: Mr. Latko, you may speak.

10 MR. LATKO: Good evening, Jonathan Latko,
11 Penn Street, Camden. Eli and Jonathan, thanks for
12 coming and presenting and all the information and
13 research you did. Lot of times people come and don't
14 really bring that depth-breath of information. So, I
15 appreciate you doing your homework and also investing
16 in the City.

17 In general, the City challenges itself
18 with rentals. Its exacerbated over the years.
19 Sixty-five to 70 percent of the properties in the
20 City are rentals. So any time and especially in
21 these little historic neighborhoods other than
22 Cooper Grant, this is in Cooper Plaza, when
23 applicants come and they are investors that come from
24 outside the City and they look at duplexed
25 properties, that raises concern. We successfully

1 fought some of those duplexing previously in front of
2 this Board.

3 And so what we deal with is exactly where
4 the secretary had mentioned or I wasn't sure, and
5 maybe Angela mentioned, that a lot of times, things
6 are sort of grandfathered in. There wasn't
7 departments talking to each other. So, you need to
8 unpeel the onion of time because not everybody
9 was -- like from 1985 which is a prime example where
10 probably they didn't officially go on front of zoning
11 and went through different challenges to sort of push
12 ahead and do the duplex. So other questions I would
13 have in that line of thinking, I see you talked about
14 the meters and all those types of things. How many
15 CCMUA bills do you pay?

16 MR. JONATHAN GABAY: We pay for two
17 dwelling units. It's two equivalent dwelling units.
18 I believe it was 56 something per dwelling unit. And
19 so there's two dwelling units for CCMUA. The only
20 thing is, they never sent us the updated billing
21 address. They never sent it to th property, but
22 we've been paying it online. When we requested a
23 bill from CCMUA, they say their online billing portal
24 just shows the bill. They don't have a print out.

25 MR. LATKO: Got it. How many electric

1 meters does it have?

2 MR. JONATHAN GABAY: Two. Okay.

3 MR. LATKO: And then you talk about, you
4 bought it as-is. Have you rehabbed that property
5 since you purchased it?

6 MR. JONATHAN GABAY: To be honest with
7 you, to the property prior to our ownership, was an
8 owner-occupied property. It's been done beautifully.
9 We haven't touched anything in the property.
10 Everything was done higher-end. We don't have any
11 interests in bringing low-grade rental there.
12 There's granite countertops. There's exposed brick.
13 There's rod-iron railings. There's nice cabinetry
14 and a fireplace. I mean, everything was done
15 beautifully. It's not like we're trying to put in
16 some low-grade materials in here.

17 And to speak to the fire escape, there's
18 a couple properties on the block that are duplexes
19 that don't have fire escapes that are approved. I,
20 for one, own 440 Chambers with my sister which had a
21 variance in 1999 that does not have a fire escape.
22 That being said, I have no problem if that's a
23 stipulation to get this through the peeling the
24 onion. If that's one layer you guys request, I have
25 no problem doing that. That would be a wise thing to

1 do.

2 CHAIRMAN HAMILTON: Yeah. It's got to
3 have a fire escape. Who comes before us when they
4 come on Chambers Avenue, that's the first thing I ask
5 cause I used to live on there. You need a fire
6 escape.

7 MR. JONATHAN GABAY: Understood.

8 MR. LATKO: So, one of the layers that
9 concerns is the community, this is one of the areas
10 that's obviously being invested in heavily. There's
11 a lot of private and public dollars going in.

12 CHAIRMAN HAMILTON: Right.

13 MR. LATKO: Owner-occupiers moving in.
14 You know, we had M&M and we had St. Joe's Carpenter's
15 Society invest a lot public and private dollars into
16 this to build up the neighborhood. So, again, when
17 we bring in more duplexing or triplexing, whatever it
18 may be, that's where the concern is. And parking is
19 tight in these areas.

20 So, my question in general to the
21 attorney. If they were to duplex this and it wasn't
22 historic and somebody were to convert this to a
23 duplex, how many parking spots would be required
24 under the law or guidance in order to convert it?

25 MR. EINGORN: The parking varies on the

1 amount of bedrooms you have --

2 MR. LATKO: So they have five bedrooms,
3 three and two.

4 MR. EINGORN: -- per unit. And I have it
5 here in this giant book of stuff.

6 CHAIRMAN HAMILTON: It's bad parking all
7 over Camden so I don't know what you're going to do.
8 It's bad parking.

9 MR. EINGORN: I think that --

10 MR. LATKO: That's why we're addressing
11 it.

12 MR. EINGORN: -- we're trying to get an
13 idea of what's going on here. So for a multiple unit
14 building, you need for a two-bedroom unit, one and
15 three-quarter spaces. And for a three-bedroom unit,
16 two spaces. So, you'd have to round up to four
17 spaces total.

18 MR. LATKO: Right. So, the concern here
19 is, essentially if -- say he didn't have the zoning
20 before and to make it official he has to in front of
21 zoning. Technically, they're converting it to a
22 duplex now. He would be required to provide those
23 four spaces. And then he did present one spot. And
24 I even questioned that a little bit. Because if
25 there is existing parking lots, they were probably

1 approved under those condo associations on minimal
2 of what they needed. So, we should not be renting
3 spots that exist for other spaces for other condos.

4 MR. IZZO: Mr. Gabay's company comes to
5 the Board with a 16 by 92-foot lot. To enforce the
6 off-street parking in this particular case, if we
7 remove his building from the lot, he would just have
8 room to park cars and no house. If we did that all
9 the way to the street, we would tear down all the
10 houses.

11 MR. LATKO: So, there's alternatives?

12 MR. IZZO: It's not. It's 16 by 92. You
13 cannot put the literal application of this
14 off-street parking under this owner in these
15 circumstances. It makes no sense.

16 MR. EINGORN: So that everybody's aware,
17 Camden does have an ordinance that requires you to
18 pay a certain amount per spot for which you obtain a
19 parking variance. That has been enforced without my
20 knowledge and with some inconsistency as I understand
21 it. The amount that's currently being charged per
22 spot is about \$6,000. So, if you need four spaces
23 and you're really not providing any, you're talking a
24 big chunk of change for that parking variance. But
25 like I said, that's something that I don't have

1 control over the enforcement of; the Board doesn't
2 enforce, and I honestly don't know who does that.

3 MR. LATKO: That's what I'm getting at,
4 Mr. Eingorn -- this is Jonathan Latko again -- is,
5 typically we're sort of letting these fly through the
6 cracks and our city is broken, broken. Right? We
7 don't collect enough revenue to cover our own butts
8 for the amount of money we spend. And we do have
9 ordinances in place to handle this.

10 So, nothing says he has to have that
11 parking on his property. He could rent other spots
12 like he discussed and we would have to dig deeper in
13 to figure out if that spot he's trying to rent is
14 legitimately a spot that can be rented. Because it's
15 already designed to -- before this Board at another
16 point in time, that they had to provide so many
17 parking spots when they made that a condo.

18 When he showed the property tax record
19 for 620A, I'm curious if they mentioned property
20 exempt. And it didn't list it as an official parking
21 lot. So, is it just an empty lot or is it an
22 official parking lot recognized by the City? And,
23 again, were those spots officially designated for
24 that condo association? He might not be at liberty
25 to use that and call that one of his designated

1 spots, would be my concern.

2 MR. EINGORN: It is possible that the
3 applicant would be breaching the condo association's
4 guideline or some other official document of the
5 condo association by renting that parking spot.
6 That's not currently before us. An applicant
7 breaching that, that would be on them.

8 MR. LATKO: But making a claim in front
9 of this Board when he's suppose to provide four
10 parking spots basically --

11 MR. EINGORN: Sure. The issue is that
12 you have a variance that's going to run with the
13 land. And you have somebody who owned a parking spot
14 elsewhere. That lease for that one space isn't going
15 to run with the land. It's going to expire and so
16 forth. So, the Board's got to take into
17 consideration the fact that even though he can rent
18 this one space, the likelihood is that down the line,
19 you'll have a duplex if you approve this which needs
20 four spots but you only have zero.

21 MR. LATKO: Correct. So the idea of the
22 City collecting that \$6,000, I heard \$7,500 at one
23 point, is that it provides funding for the City to
24 improve parking through the City through parking
25 decks, through garages. Maybe they just put it in

1 their coffers. It really doesn't matter.

2 So, I would caution the Board to just
3 straight up approving it without considering what the
4 City would want to collect on providing that
5 variance. He has to show the hardship. It's not the
6 community that needs to show the hardship in this
7 position for him to do this. And he may be able to
8 make that case considering it's quote unquote already
9 a duplex. But I have grave concerns of just
10 blanketly accepting the duplex without considering
11 the impact of the four parking spots or the City
12 collecting its due funding which is badly needed in
13 this community.

14 CHAIRMAN HAMILTON: Right.

15 MR. EINGORN: It's not the Board's
16 consideration of whether or not the City of Camden
17 collects these fees or not. And it's not really fair
18 to put that on the Board. It's their job to consider
19 the relative legal standard and to make a
20 determination based upon the lot hardship, not the
21 financial hardship to the City.

22 MR. LATKO: Right. But in addition, the
23 Board can also punt and say, we're not ready to hear
24 this; come back with an answer on, are you providing
25 those four parking spots or would you get an approved

1 waiver from the City?

2 MR. EINGORN: Well, they've already said
3 they're not providing the spots. And I don't believe
4 there is a waiver under the ordinance for the fee.
5 So, to the extent that they get the variance they are
6 seeking, that's something they're going to have to
7 pay to the City or work out with the City when the
8 City comes to collect it with the bill.

9 MR. LATKO: Unfortunately, it's the same
10 situation that put us here in the first place, is not
11 all departments talk to each other. So, the concern
12 would be, 20 years from now, nobody pay for these
13 parking spots where they should have.

14 MR. EINGORN: That's not our issue.
15 That's a City issue.

16 MR. LATKO: We are the City. We
17 represent the City.

18 MR. EINGORN: No. We're the Zoning
19 Board. We don't deal --

20 MR. LATKO: You're the Zoning Board of
21 Camden, New Jersey City.

22 MR. EINGORN: You can speak all you want
23 but it doesn't change the legality of what it is.
24 So, like I said, we're not a collection agency; we're
25 not the taxing authority. The collection of the fee

1 is on somebody else, not on the Zoning Board.

2 MR. LATKO: That's very shortsighted.

3 CHAIRMAN HAMILTON: Like I said, I ain't
4 worried about the parking. I'm worried about that
5 fire escape.

6 MR. EINGORN: Mr. Latko, I'm assuming
7 you've completed your testimony?

8 MR. LATKO: I have one last comment.
9 Again, I'm not trying to beat up the brothers for
10 being here. I appreciate them investing in the City.

11 The biggest challenge we have with that
12 65 to 70 percent rental, is absentee landlords. So,
13 there are homeowners who invest in their properties.
14 And if you don't maintain your properties, it's out
15 of sight, out of mind. I understand you own other
16 properties in the City. That is our biggest
17 challenge.

18 Our own enforcement agencies don't have
19 the capacity to check every property all the time and
20 it leaves it to the homeowners to try to figure out
21 like the one that was just asking about parking. So,
22 we ask you to be very proactive owners regardless if
23 it get's duplexed or not and be an investment into
24 the community and not just extract wealth out of the
25 community.

1 MR. JONATHAN GABAY: Just to respond to
2 that. Fundamentally, I'm feet-on-the-ground. Pretty
3 much everyone on that street knows who I am. I do
4 property management myself. That is my main job. We
5 do property management. And any time that there's
6 something there, we try to address them. There are
7 things that slip through the cracks naturally but
8 we've never had a violation. We're in good-standing
9 with the City on the property.

10 Any time there's been any sort of rental
11 or code enforcement issue that has to do with the
12 unit, we've always taken care of it. And to date,
13 we've had none that arose on Chambers Avenue because
14 that is one where we try to keep a good eye on our
15 properties.

16 MR. LATKO: Thank you.

17 MR. EINGORN: Thank you, Mr. Latko. Any
18 other members of the public that would like be heard
19 on this application?

20 MS. STUKES: Yes, I would like to
21 piggyback. This is Susan Stukes.

22 MR. EINGORN: Can you identify your name
23 for the record.

24 MS. STUKES: Yes. Susan Stukes, 416
25 Benson Street.

1 MR. EINGORN: Thank you.

2 MS. STUKES: I just want to piggyback off
3 of what Mr. Latko was sharing about the parking
4 spaces. I just find it a little disturbing that the
5 issue of parking is not taken more seriously. It's a
6 huge problem. And where we're at right now, is that
7 there's a lot of investment. There's a lot of growth
8 in the City. We have an opportunity to not continue
9 mistakes. But by saying that there's nothing we can
10 do about parking, I don't feel that answer resonates
11 with me. I feel like that Board -- you know, you
12 really need to take this very seriously.

13 Parking is a huge problem in Lanning
14 Square and in Chambers Street especially. And if
15 you're saying that that unit, that house, technically
16 would require four spaces, that's a lot of parking
17 spaces that are not available on Chambers Street.
18 Why would we move forward in doing something that we
19 know is going to create even more problems.

20 Now, I know we're looking at the narrow
21 benefit of, of course, having this place fixed and
22 not having it abandoned. But there are other
23 benefits. What other benefits are the residents of
24 that street going to reap from having cars that
25 there's no place for them to park. That's a huge

1 issue. What are the other benefits that we in the
2 community are going to get if you will allow these
3 waivers to be approved? In particular, I'm talking
4 about the parking. You'll looking at -- you got a
5 building. And it bothers me when we only look at
6 someone's coming in and they're going to fix up
7 something. Okay, what's else is there that we're
8 going to get? In addition to that, what else?

9 That's my statement and concern. And I
10 don't know if the developers, if you guys have
11 anything you wish to share, you know, as far as
12 benefits to the community from apparently your
13 projects of duplexing all over the place. I don't
14 know what your connection is to the community, and
15 really understanding what our side of it. And
16 especially when it comes to parking. That's a very
17 serious problem for us. And we just don't like to
18 see it dismissed like that.

19 CHAIRMAN HAMILTON: Like I said, ain't
20 nothin' you can do.

21 MS. STUKES: There again, nothing to do.

22 CHAIRMAN HAMILTON: Wait a minute. I
23 live on Coates Street. Every day we have a parking
24 problem; every day. They get to arguing like I said,
25 every day. It's bad parkin' in Camden.

1 MS. STUKES: And we don't want to make it
2 worse.

3 CHAIRMAN HAMILTON: Chambers Avenue got
4 that small street. Like I said, I used to live up
5 there. You ain't going to have that much parking up
6 there. Period. Ain't nothin' you can do.

7 MS. STUKES: If we keep on adding
8 duplexes and units where we don't have enough space
9 as it is, we're going to make the problem worse.

10 UNIDENTIFIED SPEAKER: I want to say
11 something. May I interject?

12 MR. EINGORN: Hold on. There's too many
13 people talking.

14 UNIDENTIFIED SPEAKER: I want to say
15 something for a minute.

16 MR. EINGORN: Let Chairman Hamilton
17 finish what he was saying.

18 CHAIRMAN HAMILTON: When I first got on
19 the Board back in the 90s, the first thing they told
20 us, when the houses get empty, don't let people come
21 in and have a duplex. If a duplex came in then you
22 got two more cars; you may have three more cars. And
23 that's what happened. That's what happened period.

24 MR. JONATHAN GABAY: In respect to this
25 property, it was converted with construction permits

1 as well as City record in 1985. This isn't something
2 that I'm trying to build today. I understand if this
3 was a new construction, there's things that have to
4 go through the proper protocols. However, this has
5 been this way for 35 years. It's just us trying to
6 put on the record what's currently existing
7 and nonconforming.

8 MR. IZZO: That is a permitted use.

9 MR. JONATHAN GABAY: Permitted use.
10 Sorry. Permitted use.

11 MR. EINGORN: Right. But I think --

12 MR. JONATHAN GABAY: Permitted in that
13 zone. It's not asking for a use variance. It's
14 asking for a bulk variance on the lot sizes and the
15 widths and depths.

16 CHAIRMAN HAMILTON: Like I said, I don't
17 have no problem with it as long as you have a fire
18 escape. I know that they don't have no fire escapes
19 right there.

20 MR. EINGORN: I'm sorry. Mr. Jake, what
21 was your last name?

22 MR. RAGBIR: My name is Jason Ragbir.
23 Mr. Gabay already owns -- he owns multiple homes on
24 Chambers amounting to nine units. He owns a duplex
25 next door to me at 440 and a single-family unit

1 across the street from me, 437. And then a triplex a
2 couple doors down. And this property that we're
3 speaking about, all amounting in nine units.

4 And as you said, the person from before,
5 they were pointing out that for his one -- for 422,
6 it's four parking spaces but the parking spaces I was
7 adding, it's already over -- the street is overcome
8 with parking. And it's terrible that he's going to
9 have nine units. He has nine units on the street and
10 we have a problem with parking. The one parking spot
11 on 7th Street which is for Cooper, was it,
12 Condominium Association, that cannot amount for nine
13 units.

14 MS. DAVIS: Kyle, I'm not sure if the
15 last two were sworn in and gave their address and
16 things like that; to make sure they're sworn in
17 correctly.

18 MR. RAGBIR: Sorry. Jason Ragbir, 438
19 Chambers Avenue.

20 CHAIRMAN HAMILTON: Hold up. Hold up.
21 Do you swear or affirm to tell truth and nothing but
22 the truth, so help you God?

23 MR. RAGBIR: Yes, I do.

24 CHAIRMAN HAMILTON: Give your full name
25 and address to the secretary.

1 MR. RAGBIR: Jason Ragbir, 438 Chambers
2 Avenue.

3 MR. EINGORN: Does anybody have any other
4 concerns besides the parking which has been well
5 documented?

6 CHAIRMAN HAMILTON: Mr. Attorney,
7 I said I don't have no problem. The only thing I
8 have is that fire escape.

9 MR. EINGORN: Sure. I'm talking to the
10 public though. We're trying to clear the public
11 portion here so that we can move forward and get home
12 to our families.

13 Does anybody else from the public have an
14 issue that hasn't been addressed? Hearing none,
15 we'll close the public portion.

16 Now is the time for the Board to
17 discuss the Positive and Negative Criteria regarding
18 the duplex discussed, the testimony and the exhibits
19 and thereafter, to make a motion whether to approve
20 or deny the requested variances which are bulk
21 variances related to the lot size, depth, width and
22 off-street parking, as well as a request for a site
23 plan waiver.

24 REVEREND MARTINEZ: Motion to accept.

25 MR. EINGORN: Wait. Can we discuss the

1 Positive and Negative Criteria?

2 MR. COOPER: I think it's a positive
3 that, you know, he came in and he's taking over the
4 property. The property already was a duplex from the
5 beginning. He's just taking it over. For this Board
6 to say he can't have this duplex turned back into a
7 single-family home, who say that single-family home
8 don't have four cars. You still have the same
9 parking issue. You know, they said parking, parking,
10 parking. Hey, it's bad parking everywhere.

11 CHAIRMAN HAMILTON: That's what I said.
12 Everywhere.

13 MR. COOPER: Everywhere.

14 CHAIRMAN HAMILTON: Right. And I don't
15 have no problem with the parking and give it. A
16 place like that there, I don't have no problem. It's
17 first-come, first-serve on parking. That's all over
18 the town. But I'm concerned about the fire escape.
19 Like I said, they don't say nothin' about fire
20 escape. I used to live there and I know they ain't
21 got none period.

22 REVEREND MARTINEZ: And let me clear
23 that. You know a couple of days ago, we had a big
24 fire where two people got killed where they didn't
25 have no fire escape.

1 CHAIRMAN HAMILTON: No fire escape,
2 right. I ain't worried about the parking.

3 REVEREND MARTINEZ: Exactly. We got to
4 stop -- we got to worry about saving people. That's
5 my concern. I don't care about parking. I live all
6 the way down in Terrace and Highland down half
7 from -- it's across from one side I'm in Pennsauken
8 and we have the same problem. I live in a rowhouse
9 and I got the same problem. If I get there first, I
10 park here. If somebody else comes, they park. Like
11 we said, it's all over the City of Camden.

12 I work for the City of Camden; I know
13 what it is; I'm all the time up there. But we see
14 that someone is trying to do something nice for our
15 street like Chambers. I know Chambers Street pretty
16 good. My eye doctor is right there on the corner.
17 But I think it's a good move. I think the guys are
18 doing a good job. I mean, you know, things happen
19 and that's how it is. And he fixed it beautiful. I
20 saw the pictures. I mean, I was very impressed; very
21 nice; professional. Let the guys do their job and
22 move ahead.

23 MR. EINGORN: So to the extent you make a
24 motion, it sounds to me like any motion should be
25 conditioned upon the applicant working with the fire

1 marshall to construct a fire escape for this
2 property. Or obviously, the other way and seek to
3 deny the application. So, do we have a motion?

4 REVEREND MOTION: I said it.

5 CHAIRMAN HAMILTON: How are we going to
6 know about the fire escape? Every night you hear
7 fire trucks.

8 MR. COOPER: Will they have to go in
9 front of the Planning for that?

10 MR. EINGORN: I'm sorry?

11 MR. COOPER: If we make a motion to
12 accept the conditions that they have to have a fire
13 escape installed, and like the chairman said, how
14 will we know that this has been done?

15 MR. EINGORN: We would, as an additional
16 condition of approval, you could request that proof
17 of the fire escape be submitted to the Board
18 Secretary for review by the Board to hearing it after
19 which it's been installed.

20 MR. COOPER: Okay.

21 MR. EINGORN: That proof be submitted to
22 the Board.

23 MR. COOPER: Okay. Did we get somebody
24 to make a motion?

25 REVEREND MARTINEZ: Motion to accept.

1 MR. EINGORN: And with condition.

2 CHAIRMAN HAMILTON: I make a motion with
3 the thing of having the fire escape.

4 MR. EINGORN: Second?

5 MR. COOPER: Second.

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

8 CHAIRMAN HAMILTON: Yes. As long as they
9 put the fire escape in there.

10 MR. EINGORN: Right. With the condition.
11 Vice-chairman Hance. Here we go again.

12 MR. EINGORN: Reverend Martinez.

13 REVEREND MARTINEZ: Yes.

14 MR. EINGORN: Ms. Merricks.

15 MS. MERRICKS: Yes with the condition for
16 the fire escape.

17 MR. EINGORN: Mr. Cooper.

18 MR. COOPER: Yes.

19 MR EINGORN: Mr. Hance, are you trying to
20 speak?

21 CHAIRMAN HAMILTON: Do we need a vote now
22 or what?

23 MR. EINGORN: We voted and there's four
24 in favor and one unknown. Four of the five gets -- I
25 see his light flashing. Four of the five is enough

1 to approve the motion. I guess for completeness
2 sake, I was trying to hear what Vice-Chairman Hance
3 had to weigh in on on the motion. We'll follow-up
4 with him to get his vote, I guess. That will
5 complete the application for this evening.

6 The final remaining item is the Adoption
7 of Resolution from last month. They are both related
8 to Mr. Jenkins, 777 Ramona Gonzalez Street; 779
9 Ramona Gonzalez Street. He has a nice project he's
10 intending to make. And the Resolutions have been
11 drafted. So, do we have a motion to adopt those two
12 Resolutions?

13 CHAIRMAN HAMILTON: I so move.

14 REVEREND MARTINEZ: I so move to adopt.

15 MR. EINGORN: I'll take that as a second.
16 We'll take a roll-call vote on the Resolution. I'll
17 see who was here last month.

18 VICE-CHAIRMAN HANCE: Yes.

19 MR. EINGORN: It looks like we got
20 Vice-Chairman Hance with a 'yes' on the application.
21 That will be five to zero on the application. And
22 roll-call vote on the Resolutions. Chairman
23 Hamilton.

24 CHAIRMAN HAMILTON: Yes.

25 MR. EINGORN: Vice-chairman Hance.

1 Reverend Martinez.

2 REVEREND MARTINEZ: Yes.

3 MR. EINGORN: Mr. Cooper.

4 MR. COOPER: Yes.

5 VICE-CHAIRMAN HANCE: They can't hear me.

6 MR. EINGORN: We can hear you now.

7 MR. COOPER: We can hear you, Mr. Hance.

8 MR. EINGORN: We need a motion to

9 adjourn.

10 MR. COOPER: Motion to adjourn.

11 CHAIRMAN HAMILTON: Second.

12 MR. EINGORN: All in favor.

13 THE BOARD: Yays.

14 - - -

15 *** (Meeting ending at 8:20 p.m.) ***

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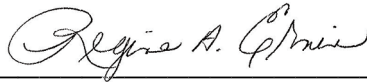
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