

In The Matter Of:
CITY OF CAMDEN
ZONING BOARD

Transcript of Meeting
April 5, 2021

Regine A. Ervin Reporting
609-280-2230
RegineCSR@gmail.com

ZONING BOARD
CITY OF CAMDEN

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Monday, April 5, 2021

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Transcript of proceedings of the Zoning Board of Adjustment Meeting City of Camden, was conducted as a virtual meeting via a remote conferencing platform, ZOOM and commencing at 5:49 p.m.

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

- ROBERT HAMILTON, CHAIRMAN
- ISAISA MARTINEZ
- HENRIETTA WASHINGTON
- TERESA ATWOOD
- KAREN MERRICKS
- CHARLES COOPER

- - - -

- KYLE F. EINGORN, ESQUIRE
- ATTORNEY FOR THE BOARD
- EVITA DAVIS, ZONING BOARD SECRETARY
- DENA MOORE JOHNSON, P.E., C.M.E.
- REMINGTON & VERNICK ENGINEERS

Regine A. Ervin, CCR
Certified Court Reporter
Email: RegineCSR@gmail.com

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1 CHAIRMAN HAMILTON: Good evening ladies
2 and gentlemen. Welcome to the City of Camden Zoning
3 Board. It was posted in the Courier on Friday.

4 MR. EINGORN: By the direction of the
5 Zoning Board of Adjustment Board Chairman Robert H.
6 Hamilton, Jr., the City of Camden's meeting will be
7 held tonight.

8 And since the City remains under a
9 declaration of health emergency related to the
10 COVID-19 virus, City Hall remains closed, therefore,
11 this meeting is being conducted virtually via remote
12 conferencing platform, ZOOM. Instructions have been
13 posted and can be found and were found on the City's
14 website in advance of tonight's meeting.

15 I will take a roll call. Chairman
16 Hamilton.

17 CHAIRMAN HAMILTON: Here.

18 MR. EINGORN: Vice-chairman Hance. Not
19 present. Reverend Martinez.

20 REVEREND MARTINEZ: Here.

21 MR. EINGORN: Ms. Washington. We're
22 going to mark her absence for this present being but
23 we'll get her back hopefully. Ms. Atwood.

24 MS. ATWOOD: Present.

25 MR. EINGORN: Ms. Merricks.

1 MS. MERRICKS: Here.

2 MR. EINGORN: Mr. Cooper.

3 MR. COOPER: Here.

4 MR. EINGORN: Good evening. Before we go
5 through the list, can we have a motion to adopt the
6 minutes from the February meeting?

7 REVEREND MARTINEZ: Motion to adopt.

8 MS. ATWOOD: Second.

9 MR. EINGORN: I'll take a roll call.
10 Chairman Hamilton.

11 CHAIRMAN HAMILTON: Yes.

12 MR. EINGORN: Reverend Martinez.

13 REVEREND MARTINEZ: Yes.

14 MR. EINGORN: Ms. Atwood.

15 MS. ATWOOD: Yes.

16 MR. EINGORN: Ms. Merricks.

17 MS. MERRICKS: Yes.

18 MR. EINGORN: And Mr. Cooper.

19 MR. COOPER: Yes.

20 MR. EINGORN: So moved.

21 On Old Business, Sol Liboy, 328 Spruce
22 Street. Has anybody appeared tonight for that
23 matter? Hearing none, the applicant did request to
24 withdraw their application. And notice of that
25 withdraw is now being placed on the record. If

1 anybody is here for that and hasn't spoken up? Just
2 note that that will not be heard tonight.

3 Next matter, Dog House, LLC, 847 Princess
4 Avenue.

5 MR. EINGORN: I believe I saw a frame
6 here for Dog Houses, LLC.

7 MR. DOUGHERTY: That is true, Kyle. I'm
8 Paul Dougherty. I'm the attorney for Dog House, LLC
9 which is also on ZOOM this evening.

10 MR. EINGORN: Okay. On New Business we
11 have Cooper Lanning Square Renaissance Facilities,
12 Incorporated, 740 Chestnut Street.

13 MR. SHEEHAN: Yes, Kyle, we're here.

14 MR. EINGORN: Mr. Sheehan is present and
15 ready. Very good.

16 Peralta Family Properties, LLC, 116 State
17 Street.

18 MR. PERALTA: Present. Present.

19 MR. EINGORN: Camden Building Company,
20 126 to 128 North 34th Street.

21 MR. IZZO: I'm here.

22 MR. GABAY: Present.

23 MR. BINGHAM: Present.

24 MR. EINGORN: Eugenio Ventuna Morales,
25 307 State Street.

1 MR. MORALES: Present.

2 MR. AYOUB: Mr. Eugenio Ventuna is here
3 and I'm Jack Ayoub, the landlord.

4 MR. EINGORN: I see Dena is here tonight.
5 Good evening, Dena. Are you here just for the one
6 application?

7 MS. MOORE: Just the one, yes. Cooper
8 Lanning Square.

9 MR. EINGORN: So maybe we should start
10 there so you can get back to friends and family.
11 Does that work for you?

12 MS. MOORE: That works for me.

13 MR. EINGORN: So, let's call as our first
14 applicant, Cooper Lanning Square Renaissance
15 Facilities, Incorporated, 740 Chestnut Street.

16 MR. SHEEHAN: Yes, Kyle. This is Kevin
17 Sheehan, Parker McCay on behalf of the applicant.

18 MR. EINGORN: Good evening. How about --
19 do you have -- you want to swear in everybody before
20 we get started? Does that work for you? Is that
21 your synopsis first?

22 MR. SHEEHAN: Why don't we swear
23 everybody in and then I'll do a synopsis. We'll
24 address the planning testimony and the height
25 variance. And if that's approved, we will go through

1 the site plan and Dena's report.

2 MS. MOORE: Excuse me. Kyle, can you
3 swear me in first, please?

4 MR. EINGORN: Absolutely. Chairman
5 Hamilton generally does the swearing in. I'll ask
6 him to swear you in.

7 MS. MOORE: All right.

8 - - -

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

12 - - -

13 CHAIRMAN HAMILTON: Please state your
14 name and address.

15 MS. MOORE: It's the Zoning Board
16 Engineer.

17 MR. EINGORN: The court reporter will add
18 that later. We know who Dena is as well and we
19 welcome her presence tonight.

20 MR. SHEEHAN: So, we with tonight and
21 I'll ask that they be sworn are, Angelo Alberto from
22 Spiezle Architectural Group; Chris Hager with Langan
23 Engineering; Ranjana Reddy from KIPP; Mike
24 Sencindiver the project manager; Bryan Proska from
25 Traffic Design; and John Hubert also from Spiezle.

1 So, I'd ask that they be sworn in.

2 - - -

3 MR. EINGORN: If you all can make your
4 video active and raise your right hands. Chairman
5 Hamilton will swear you in.

6 - - -

7 ANGELO ALBERTO, P.P, R.A.; JOHN HUBERT,
8 R.A.; CHRISTOPHER HAGER, P.E.; BRYAN PROSKA, P.E.;
9 MIKE SENCINDIVER, PROJECT MANAGER; RANJANA REDDY,
10 KIPP COOPER & NORCROSS, having first been duly
11 sworn/affirmed, was examined and testified as
12 follows:

13 - - -

14 CHAIRMAN HAMILTON: Please give your name
15 and address.

16 MR. ALBERTO: Angelo Alberto, Speizle
17 Architectural Group, 121 Market Street, Camden, New
18 Jersey.

19 MR. HAGER: Chris Hager with Langan
20 Engineering & Environmental Services, 1818 Market
21 Street, Philadelphia, Pennsylvania.

22 MS. REDDY: Ranjana Reddy, KIPP Cooper &
23 Norcross, 525 Clinton Street, Camden, New Jersey.

24 MR. SENCINDRIVER: Michael Sencindiver,
25 KMS Development, 717 Main Street, Riverton, New

1 Jersey.

2 MR. PROSKA: Bryan Proska with Traffic
3 Planning & Design, 923 Haddonfield Road in Cherry
4 Hill.

5 MR. HUBERT: John Hubert. I'm with
6 Spiezle Architectural Group, 121 Market Street,
7 Camden.

8 MR. SHEEHAN: Thank you.

9 Mr. Chairman and Board members, this is
10 an application for Cooper Lanning Square Renaissance
11 Facilities, Inc. The property is at 740 Chestnut
12 Street, Block 390, Lots 12 & 13 & 35; Block 391,
13 Lots 1 & 9. It's a proposal to construct a new
14 school building adjacent to the existing KIPP
15 Whittier School. The proposed building will be 42
16 feet high. The ordinance permits 35 feet for
17 residential structures in the zoning district. It
18 doesn't provide any other height requirements in the
19 district so, therefore, we need a variance pursuant
20 to N.J.S.A.40:55D-6 to permit the height to be 42
21 feet where 35 is permitted.

22 If the Board grants the variance, we will
23 then seek site plan approval and go through R&V's
24 letter. But initially, I'm going to have Angelo
25 Alberto, who is a professional planner and architect,

1 go through the testimony related to the height
2 variance and ask that the Board vote on that variance
3 initially so. Angelo, you've been sworn in. Can you
4 give a summary of your professional and educational
5 experience, please, so I can qualify you as an
6 expert?

7 MR. ALBERTO: Sure. Good evening to the
8 Board. I'm a licensed architect in the States of New
9 Jersey and Pennsylvania and I am a licensed
10 professional planner in the State of New Jersey.
11 I've testified before a number of Boards including
12 Camden, Collingswood, Pennsauken and other area
13 towns.

14 MR. SHEEHAN: I submit Mr. Alberto as an
15 expert in professional planning and architecture.

16 MR. EINGORN: Yes, we'll qualify Mr.
17 Alberto. He's been here before, I believe. He's
18 been qualified in the past by this Board.

19 MR. SHEEHAN: Thank you.

20 So, Angelo, can you, rather than me ask
21 you questions back and forth, can you describe the
22 application; where the site is located; what is
23 proposed; and then address the Positive and Negative
24 Criteria for required use variance, please.

25 MR. ALBERTO: Sure. Kevin, would we be

1 able to pull up a graphic?

2 MR. SHEEHAN: Yes. Can you see it?

3 MR. ALBERTO: Can everyone see that?

4 THE BOARD: Yes.

5 MR. ALBERTO: A picture is worth a
6 thousand words. So, very quickly just to
7 describe a little background and then where we intend
8 to go with this addition. In the bottom right-hand
9 corner is the first phase of this project that we
10 did; pretty much this entire group of professionals
11 that are this call. The Whittier School was closed
12 and in 2018 -- 2016 and 2017, our group renovated the
13 closed school, which you see in the larger part of
14 the picture that says 2022. Although it's 2021, we
15 intend to finish what we propose in 2022.

16 But in that upper photo you see the
17 existing historic school; a new entrance arcade. And
18 to the left of that is a new gym and cafeteria and
19 kitchen that we added to the building in 2017, '16
20 and '17. What you see in the foreground is Chestnut
21 Street. On the other side of the school is Sycamore
22 Street. To the right of the photograph you see a
23 large grass area which was grass before we did the --
24 reopened the school and it remains that way today.
25 And that is the site for the addition. Currently,

1 the school is an elementary and middle school. And
2 if you go to the next slide --

3 MR. SHEEHAN: Before we do that, Kyle,
4 can we mark this? We're going to mark this A-1 which
5 is three pages. So he just testified as to page 1.
6 We'll now go to page 2.

7 MR. EINGORN: Sure.

8 MR. ALBERTO: So, what you see in this
9 slide, in the bottom right-hand corner, you see the
10 existing conditions again more zoomed in. And what
11 you see in the upper part of the illustration is an
12 artist rendering of the addition that we proposed for
13 KIPP. And what is going to happen here is, the
14 elementary middle school is going to transform
15 into the KIPP Cooper Norcross High School. This will
16 be exclusively for high school students if we're
17 granted the approval and after the construction is
18 done.

19 Just a very brief description of what we
20 propose. It's illustrated pretty well in this
21 building. Going from left to right, the left-hand
22 brick that you see is the brick of the existing
23 historic building. And it's architecturally correct
24 and sensitive. We're Not going to jam the building
25 against the historic building. So, we have a glazed

1 or glass connector into the new addition. Very
2 similar to the other side of the building where we
3 have the cafeteria and gym addition, we mix the
4 historic brick color with metal panels. And I'm sure
5 everyone on this call knows, that that is the
6 character of the materials for all of the KIPP
7 Schools. The Lanning School started that style. So,
8 you have the brick of the historic building and you
9 have metal panels to the right. That's essentially
10 the materials.

11 The building is three stories tall. It
12 is about 237 feet along Chestnut Street which is what
13 you see in this illustration. That's a long facade.
14 And going back toward Sycamore Street, the building
15 is about 103. So, that's about 20,000 square feet
16 times three floors. It's just under 60,000 square
17 feet for the addition.

18 Okay, Kevin. I think you can go to the
19 next slide.

20 MR. SHEEHAN: This will be page 3 of
21 A-1.

22 MR. ALBERTO: So, I'm going to now
23 present the variance request and the Positive and
24 Negative Criteria. And this is a little bit more of
25 a technical drawing but I think it explains visually

1 what I'm going to explain verbally.

2 A variance is required because the
3 proposed height exceeds the permitted height by more
4 than ten feet or ten percent. The height in this
5 zone, this R-2 zone, is 35 feet. Exceeding it by ten
6 percent would be a total height permitted of 38.5
7 feet. And as Kevin mentioned, the height of our
8 building is 42 feet 10 inches. So, we would exceed
9 the height in this zone by approximately eight feet.

10 This Whittier School in height is, and
11 you can see that under the word existing, is 50 feet.
12 So, I have the number 50 and the number 45 because
13 the cornice line is about 45 feet. And then as you
14 go, the historic school has its elegant pedaments
15 over all of the entries and they go to 50 feet and
16 actually the chimneys go up to 60 feet.

17 To justify our height, we need this
18 D Variance and we must meet the Positive and Negative
19 Criteria established by the New Jersey Municipal Land
20 Use Law to be approved. First I'll speak about the
21 Positive -- maybe I can suggest and perhaps if you're
22 not speaking, we can mute ourselves.

23 As to the Positive Criteria pursuant to
24 the Municipal Land Use Law and Case Law interpreting
25 the D-6 Variance, we believe the proposal meets the

1 Positive Criteria for height variance. Generally,
2 the addition is consistent with the surrounding
3 neighborhood and certainly consistent with the
4 existing school.

5 The height does not offend any of the
6 purposes of the height limitations in the Camden City
7 Ordinance. The height promotes the following
8 positive purposes of zoning. The existing school and
9 proposed new addition promote positive general
10 welfare. The school and the proposed addition are
11 inherently beneficial uses and are proposed
12 immediately adjacent to each other.

13 The school addition promotes a desirable
14 visual environment. It will provide for a
15 transitional height from the 50 feet in height of the
16 existing school to the new 42-foot high addition to
17 the 35-foot buildings that are further up the street
18 along Chestnut. So, basically, we're talking about a
19 transition from the highest building and our building
20 being 42 feet and then the buildings along Chestnut
21 are around 35 feet. So, it'll step down which is a
22 good architectural method.

23 I'm going to speak here a little bit
24 about the purposes of a height restriction in the
25 zone. The property is located in the R-2 zone. The

1 predominate use in the R-2 zone is residential.
2 The bulk standards in your ordinance in the R-2 zone
3 including height, all relate to residential uses. It
4 appears the height requirement was established to
5 limit the height and the density of residential
6 buildings in this zone.

7 Although the R-2 zone permits city
8 buildings such as schools and playgrounds and
9 government uses, it does not have any bulk standards
10 to these uses including height. By way of comparison
11 in the nonresidential zones or districts within the
12 City, schools and playgrounds are also permitted and
13 there are no bulk height standards specifically for
14 those uses. However, those zones, the nonresidential
15 zones, do provide bulk height standards for
16 nonresidential uses.

17 Those height standards for nonresidential
18 uses in the 'C' commercial zone, for example, is four
19 stories or 45 feet. So, although it is not clear
20 that the height requirements in the R-2 zone were
21 intended to cover city buildings such as a school, we
22 have to look at this height standard because it is
23 the only height standard provided in the zone of 35
24 feet. Relating this to the standards required for
25 the d(6) variances, we look to the purposes of the

1 height limitation in the ordinance. Here it appears
2 that the purposes of height limitation was to limit
3 the height of residential uses since the ordinance
4 only addresses the height of residential uses.

5 In zones that permit similar residential
6 uses as well as nonresidential uses, the ordinance
7 permits 45 feet which we are under 45 feet. The
8 height of the proposed building for KIPP is less than
9 45 feet and would be permitted in nonresidential
10 zones. So, we submit that the proposed height of
11 41 feet 10 1/2 inches would not offend the purposes
12 of the height limitation in the ordinance.

13 And just this one more part here, I'm
14 going to go under the Municipal Land Use Law. I need
15 to outline the Negative Criteria as well. So, as to
16 the Negative Criteria, we must show that the variance
17 can be granted without substantial detriment to the
18 public good and without impairing the intent and
19 purpose of the City of Camden's Zone Plan.

20 As to the public good, we look to the
21 impact on surrounding uses and the surrounding area.
22 Currently, the site the site we propose this school
23 on is vacant. The lot is adjacent to the existing
24 Whittier School Building which is 50 feet in height.
25 The existing school is located about 19 feet back

1 from Chestnut Street and 11 feet back from Sycamore
2 Street. The existing school is a significant mass
3 located close to both Chestnut and Sycamore
4 Streets.

5 As you can see in the lower image which
6 is the Sycamore Street elevation in the graphic that
7 Mr. Sheehan has put up, the proposed building is 8
8 feet lower than the existing school. It is 20 feet
9 back from Chestnut Street. And what you're looking
10 at in this illustration, it's 76 feet setback from
11 Sycamore which is significant. On the other side
12 across Chestnut Street, most of the lots are vacant.
13 Across Sycamore Street where we're standing now,
14 there is multi-family housing.

15 The 76-foot setback to Sycamore Street is
16 significant. It will mitigate the additional six
17 feet in height structures. So in other words, by
18 setting it back further, although it's higher than
19 the zone permits, it will have less of an impact than
20 if it was 35 feet and right on Sycamore Street. We
21 think that's significant.

22 Therefore, the proposed additional six
23 feet in height will not have a substantial detriment
24 to the public good. The height variance can also be
25 granted without impairing the intent and purposes to

1 the City of Camden's Zone Plan. As stated earlier,
2 there are no bulk or height standards in the R-2 Zone
3 for City Buildings for school uses. Where the City
4 does provide standards for nonresidential uses, that
5 height permitted is 45 feet.

6 The proposed height for the school
7 addition is less than 45 feet even where similar
8 residential uses are also permitted. The City's Land
9 Use Element of the Master Plan states on page 11-6,
10 "It is intended that the upgraded and improved
11 community facilities will continue to serve as
12 community anchors around which neighborhood
13 revitalization efforts should be centered. This
14 includes the modernization and rebuilding of the
15 City's school facilities."

16 In addition, various public and
17 semi-public facilities are indicated throughout each
18 neighborhood. KIPP Cooper Norcross, Incorporated,
19 believes the school addition will serve as a positive
20 community anchor around which neighborhood
21 revitalization efforts should be centered. And, I
22 believe we see this already with the 2016 renovation
23 and addition. Therefore, the proposed height will
24 not impair the intent and purpose of the purpose of
25 the zoning ordinance and it will promote the goals of

1 the City Master Plan.

2 For all of these reasons, it is my
3 professional opinion that the KIPP Cooper Norcross,
4 Incorporated application to add to the Whittier
5 School, meets the Positive and Negative Criteria
6 necessary to allow the Board to grant the height
7 variance requested. Thank you.

8 MR. SHEEHAN: Does the Board have any
9 questions of Mr. Alberto?

10 MS. MOORE: Excuse me. I do have a
11 question. I just wanted to confirm, it's three
12 stories and what is the actual height? Because in
13 our review letter we put 40.375 and that does not
14 sound correct. So, you said that's 41. (41 point)
15 what exactly?

16 MR. ALBERTO: It's 41 feet 10 1/2 inches.

17 MS. MOORE: You have that decimal. I'll
18 do the calculation. Thank you.

19 MR. SHEEHAN: Any other questions of Mr.
20 Alberto?

21 MR. EINGORN: Dena, you usually prepare a
22 use variance section. Do you want to get that on the
23 record?

24 MR. SHEEHAN: I'm sorry?

25 MS. MOORE: You want me to read that in

1 the letter? Because he already provided all of the
2 testimony but I can -- if you want me to, I can read
3 through it.

4 MR. EINGORN: It's up to you. You
5 usually do. So, I didn't want to cut you off if it
6 was your intent to do so.

7 MS. MOORE: Okay. I'll go ahead and read
8 it. It's listed on pages 3 and 4 of our letter
9 dated March 1, 2021. And I'll read the underlined
10 portions.

11 The applicant proposes a building
12 addition which will exceed the maximum height limit
13 by 10 feet or 10 percent necessitating a "d"(6)
14 variance.

15 The applicant has the burden of
16 demonstrating "Special Reasons" for granting the use
17 variance. The applicant should also demonstrate that
18 the requested relief can be granted without detriment
19 to the public good and will not impair the intent and
20 purpose of the zone plan and zoning ordinance which
21 is the Negative Criteria.

22 "Special Reasons", the applicant should
23 demonstrate that the proposed use carries out the
24 purposes of zoning as listed in 40:55D-2 of the
25 Municipal Land Use Law. The applicant should

1 illustrate that an undue hardship exists showing that
2 the height restriction prohibits the use of the
3 property for a conforming structure or demonstrate
4 that the increased height does not negatively impact
5 the purpose of the height restriction. It has been
6 found that in some instances, a height variance that
7 may promote a harmonious and consistent visual
8 environment while not offending the purpose of the
9 height requirement, may be considered as a Special
10 Reason.

11 With respect to the first portion of the
12 Negative Criteria, the applicant must demonstrate
13 that the requested relief can be granted without
14 substantial detriment to the public good. The
15 applicant must demonstrate that the proposed use will
16 not have a negative impact on the adjacent
17 properties, and that it will not cause such damage to
18 the character of the neighborhood as to constitute
19 "substantial detriment to the public good." The
20 applicant shall provide testimony at the Zoning Board
21 hearing.

22 In the second prong of the Negative
23 Criteria, the applicant must demonstrate that the
24 requestion relief will not impair the intent and
25 purpose of the zone plan and zoning ordinance.

1 Testimony should be provided as to why the proposal
2 will not impair the intent and purpose of the R-2
3 Zone and the City Master Plan.

4 MR. SHEEHAN: Mr. Chairman, I would
5 submit that Mr. Alberto presented the testimony
6 called for in Dena's report, and that the applicant
7 was able to show that the application meets the
8 Positive and Negative Criteria necessary for the
9 d(6) height variance and ask that the Board open it
10 to the public but then grant the variance.

11 MR. EINGORN: Do we still have Chairman
12 Hamilton?

13 CHAIRMAN HAMILTON: Yeah.

14 MR. EINGORN: Yes?

15 CHAIRMAN HAMILTON: Yes.

16 MR. EINGORN: Do you have any questions
17 or are you ready to open to the public?

18 CHAIRMAN HAMILTON: Yeah, open it to the
19 public. Because what he's saying, I don't
20 understand. I keep telling you all about this ZOOM
21 are very important issues. I don't understand it.

22 MR. EINGORN: Is there something you'd
23 like more clarification on?

24 CHAIRMAN HAMILTON: Nobody want to
25 listen. No, I don't understand it.

1 MR. EINGORN: The applicant has come
2 before the Board. They want to add to the school.
3 And the issue they're having right now is that the
4 building height exceeds what's allowed in the zone.
5 And, therefore, they require a use variance because
6 of the amount of the height in which it exceeds the
7 ordinance.

8 CHAIRMAN HAMILTON: I hear what you're
9 saying. But when they come here with -- I don't like
10 it like this period. I don't like it like this here.

11 MR. EINGORN: I understand. It's
12 unfortunate that we're in this situation. We're
13 doing the best we can.

14 CHAIRMAN HAMILTON: If it's this
15 important, they got to wait. Yeah. We're giving
16 shit away, man. It pisses me off.

17 MR. EINGORN: I understand. So, I
18 believe we've opened to the public. Is there anybody
19 who would like to be heard on this application?

20 MS. MOORE: Just regarding the use. If
21 we can just clarify. It's just the use at this
22 point?

23 MR. EINGORN: Yes.

24 MR. SHEEHAN: Right.

25 MS. MOORE: Thank you.

1 MR. COOPER: I'm looking. The old
2 building, the max height of that was 50 feet, right?

3 MR. SHEEHAN: Yes, sir.

4 MR. COOPER: And the new building is
5 going to fall under the 50 feet, 48 feet, correct?

6 MR. SHEEHAN: Yes, sir. It's going to be
7 42 feet, sir, or just under 42 feet.

8 MS. MOORE: It's actually 41.875.

9 CHAIRMAN HAMILTON: Yeah. We got 42 on
10 here.

11 MR. COOPER: Yeah. They got 42 on here.

12 CHAIRMAN HAMILTON: That's why I don't
13 like it.

14 MR. COOPER: That brings them in front of
15 us for a variance for the height. It's like -- the
16 existing building is taller than the one they want to
17 put up.

18 REVEREND MARTINEZ: I agree with
19 that.

20 MR. EINGORN: Mr. Cooper, before we get
21 into the discussion of the application, we were
22 offering the application to the public.

23 MR. COOPER: Oh, I'm sorry.

24 MR. EINGORN: It's okay. I don't see
25 that anybody has unmuted to respond to this

1 application. Going once. If you want to be heard,
2 please speak up. Going twice. We have not heard
3 anybody on the public portion of this application so
4 I think it's safe to close that, and now entertain
5 discussion regarding the Positive and Negative
6 Criteria which have been recited twice now both by
7 the Board's engineer as well as the applicant's
8 planner. So, the Zoning Board should now conduct a
9 discussion of the Positive and Negative Criteria and
10 pose any further questions they may have to the
11 applicant.

12 REVEREND MARTINEZ: I think it's
13 positive because when it comes to a school, and we're
14 talking about the old school or the old building was
15 taller than the one they're putting up, I mean, I'm
16 fine with it. I don't go issues. I think when it
17 comes to improving even our school and thinking
18 about -- and I got to think about my grandkids'
19 school because my kids are older already. But
20 anyway, I think it's good. I'm up there with the
21 presentation, yes.

22 MR. EINGORN: And as it relates to the
23 height, Reverend Martinez, you find that the height
24 is acceptable based upon the Positive and Negative
25 Criteria? Because that's why they're here for the

1 use variance.

2 REVEREND MARTINEZ: Yes. Positive.
3 I mean, I'm good with the height.

4 MR. EINGORN: Do any other Board members
5 want to weigh in on the use variance as it relates to
6 the height of the proposed building? If there's no
7 further discussion, we can entertain a motion
8 regarding the use variance.

9 REVEREND MARTINEZ: A motion to accept
10 the application?

11 MR. EINGORN: This is just as it relates
12 to the use variance of the site plan portion.

13 REVEREND MARTINEZ: Motion to grant the
14 use variance.

15 MR. EINGORN: To grant the use variance
16 application. Okay. Do we have a second?

17 MS. ATWOOD: Second.

18 MR. EINGORN: We'll take a roll-call vote
19 on the use variance. Chairman Hamilton.

20 CHAIRMAN HAMILTON: No.

21 MR. EINGORN: Reverend Martinez.

22 REVEREND MARTINEZ: Yes.

23 MR. EINGORN: Ms. Washington. Ms.
24 Atwood.

25 MS. ATWOOD: Yes.

1 MR. EINGORN: Ms. Merricks. Mr. Cooper.

2 MR. COOPER: Yes.

3 MR. EINGORN: We're waiting on Ms.
4 Merricks and Ms. Washington. Ms. Merricks, we can't
5 hear you. I see you talking but I can't hear what
6 you're saying.

7 MS. MERRICKS: Yes. Can you hear me now?

8 MR. EINGORN: Yes, ma'am.

9 Were you able to get Ms. Washington?

10 MS. MERRICKS: Yes.

11 MR. EINGORN: You can hear her?

12 REVEREND MARTINEZ: Yes.

13 MS. MERRICKS: Can you hear me?

14 REVEREND MARTINEZ: Yep, I can hear you.

15 MR. EINGORN: That was a five in favor
16 and one no.

17 MS. MERRICKS: Can you hear me now?

18 MR. SHEEHAN: Yes.

19 MR. EINGORN: Was that Ms. Washington or
20 Ms. Merricks?

21 MS. DAVIS: Ms. Merricks. I don't know
22 if we still have Ms. Washington.

23 CHAIRMAN HAMILTON: That was Ms.
24 Merricks. You ain't heard Ms. Washington.

25 MR. EINGORN: I didn't think I heard Ms.

1 Washington.

2 CHAIRMAN HAMILTON: That's Ms. Merricks.
3 With this Zoom, you don't even know who you're
4 talking to.

5 MS. DAVIS: Mr. Hamilton, I'm keeping
6 track of everything. I got it. That was not Ms.
7 Washington.

8 CHAIRMAN HAMILTON: I know it wasn't Ms.
9 Washington.

10 MR. EINGORN: Me too.

11 MS. DAVIS: I'm here. We got it.

12 MS. MOORE: If we're able to stop sharing
13 the screen, then we can see everybody at this point.

14 MR. SHEEHAN: I will do that.

15 MS. MOORE: Thank you.

16 MR. SHEEHAN: You're welcome.

17 MR. EINGORN: Ms. Washington, I can see
18 you now. Is your vote for or against the use
19 variance application for the height? I can't hear
20 you. I did see you.

21 MS. DAVIS: Is she the Galaxy A01?

22 MR. EINGORN: I believe she was Galaxy
23 A01.

24 MS. DAVIS: Can I call her for her vote?
25 She did hear the testimony so that we can get this

1 out of the way.

2 MR. EINGORN: If everybody can see her,
3 if she can give us a thumbs-up or a thumbs-down, we
4 can note it on the record.

5 MS. DAVIS: I told her earlier, don't
6 touch nothing.

7 MR. SHEEHAN: Did she turn on her video?

8 MR. EINGORN: I think it says, connecting
9 to audio, yes.

10 MS. DAVIS: I have her on speaker phone.
11 Is that possible that we can get approval this way or
12 what?

13 MR. EINGORN: We can note it on the
14 record. We can confirm that it's her. If you can
15 confirm that on the record then, yes.

16 MS. DAVIS: All right. Ms. Washington,
17 are you here?

18 MS. WASHINGTON: Yes, I'm here.

19 MS. DAVIS: Kyle, can you hear?

20 MR. EINGORN: Yes.

21 MS. DAVIS: Regine, can you hear?

22 THE REPORTER: Yes.

23 MS. DAVIS: Kyle, you want to ask her?

24 MR. EINGORN: Ms. Washington, there's
25 been a motion and a second to grant the use variance

1 application and we need your vote. Is it a yes or a
2 no related to the use variance for the height?

3 MS. WASHINGTON: Yes.

4 MR. EINGORN: Yes. Okay. So, having
5 five votes in favor and one against, the application
6 for a use variance would pass and is granted. So
7 with that in mind, we could move to the site plan
8 application portion of this application. And I will
9 turn it back over to Mr. Sheehan and Ms. Johnson.

10 MR. SHEEHAN: So, Ms. Johnson, would you
11 prefer just to read through your letter and we'll
12 address your comments?

13 MS. MOORE: Unless you have any other
14 testimony you wanted to put on record.

15 MR. SHEEHAN: I'll put it on as you ask
16 the questions, if that's all right.

17 MS. MOORE: Okay. That's fine.

18 I am starting from our letter Remington &
19 Vernick Engineers dated -- I'm sorry. I think I
20 mentioned March 1st the last time. It's actually
21 March 19, 2021 beginning on page -- the area and bulk
22 requirements on page 4. I'll note the items for your
23 which you would requesting a variance. We already
24 have the building height max. That was taken care of
25 with the use.

1 The lot area of maximum, what's required
2 is 8,000 square feet. You are proposing 104,135
3 square feet. Building coverage, required is 40
4 percent? You are providing 52 percent. Impervious
5 coverage is 60 percent. You're providing 67 percent.
6 And off-street parking for high school, it's 0.23
7 spaces per student. What's required is 173 spaces.
8 You're proposing 95 spaces. So, you would be
9 requesting a variance for that also.

10 MR. SHEEHAN: Yes.

11 MS. MOORE: We note that the property in
12 question has two front yards and two side yards. If
13 the lots are to be consolidated, an overall plan
14 should be provided showing existing and proposed
15 setbacks. You'll provide that?

16 MR. SHEEHAN: If we consolidate it, two
17 of the lots are leased from the City so we'll have to
18 work with the City and with you to determine whether
19 we can consolidate.

20 MS. MOORE: I know years ago you were not
21 going to consolidate. So, if that changes, this
22 comment is applicable.

23 MR. SHEEHAN: Yes.

24 MS. MOORE: I will jump to the site plan
25 comments on page 6. Sycamore Street and South Eighth

1 Street are existing one-way roadways in the area of
2 the proposed development. Chestnut Street is an
3 existing two-way roadway. So, there are no proposed
4 improvements for these roadways with this
5 application.

6 Should a street opening be necessary for
7 one of these roads, this application will be subject
8 to the Street Opening Permit Ordinance of the City.
9 The City Engineer would be contacted concerning the
10 application and fees involved.

11 MR. SHEEHAN: Yes.

12 MS. MOORE: Parking for the high school
13 is to be provided at the ratio of 0.23 spaces per
14 student per Section 577-230.F. The zoning table
15 indicates 750 students necessitating 173 parking
16 spaces. Fifty-two (52) spaces are located at the
17 existing school property and the applicant proposes
18 to lease 43 additional spaces from St. Bartholomew
19 Church, which is located on the other side of
20 Sycamore Street. As such, 95 spaces are proposed
21 which would be 1.25 spaces per teacher and staff
22 member. The applicant indicates that students will
23 be prohibited from driving to school. A variance
24 will be necessary from Section 577-230.F, as well as
25 Section 577-230.L which requires parking is to be

1 provided on the same lot as the principal use.

2 MR. SHEEHAN: Yes. I'm going to
3 provide -- rather than just a yes or no, we'll
4 provide testimony from the KIPP representative,
5 Ranjana Reddy, and Angelo will address the Positive
6 and Negative Criteria quickly for that as well.

7 Ranjana, can you introduce yourself and
8 explain to the Board your relationship to the
9 applicant, please.

10 MS. REDDY: Yes. Hi. My name is Ranjana
11 Reddy. I'm the managing director of operations for
12 KIPP Cooper Norcross Academy and we're applying for
13 this addition.

14 MR. SHEEHAN: And what is the purpose of
15 the addition?

16 MS. REDDY: The purpose of the addition
17 is to convert a building that is currently for third
18 through eighth graders to our high school which has
19 more students so we need additional space.

20 MR. SHEEHAN: And you'll have the grades
21 9 through 12?

22 MS. REDDY: Yes. The school will be for
23 grades 9 through 12 at full size and will be about
24 760 students.

25 MR. SHEEHAN: Can you talk about how much

1 staff you anticipate at the school?

2 MS. REDDY: Yes, we have about 14
3 teachers per grade level and so that's about -- for
4 when it's full size at four grades, that'll be about
5 56 teachers. We anticipate another 10 to 15
6 additional support staff members bringing the total
7 to 70 total staff.

8 MR. SHEEHAN: Can you discuss the
9 school's transportation policy and how you made a
10 deal with students and driving to school and busing,
11 etc.?

12 MS. REDDY: Yes. This transportation
13 policy is already in place at the location where our
14 high school is right now. Right now our high school
15 only has ninth graders but we're planning on keeping
16 the same transportation policy in place when the high
17 school is full-size and in the Whittier Building.

18 The policy is that if students live
19 within 7/10's of a mile from the school, they are
20 expected to walk to school. If students live within
21 a seven-minute walk of a Camden City bus that can
22 take them on a direct route to a bus stop that is
23 near the school, then they'll get free bus tickets
24 from us and be expected to take public transit or the
25 bus system. The two buses that we anticipate most of

1 our students will utilize, are the 453 which stops at
2 Chestnut and Broadway or the 400 at Mt. Ephraim and
3 Chestnut.

4 Students who have significant
5 disabilities will qualify for busing provided by the
6 district. If it says in their individualized
7 educational plan that they require transportation, we
8 anticipate approximately 20 students per grade level
9 falling into that category. And then beyond that for
10 students who do not live within a five-minute walk of
11 a public bus and do not live within .7 (point seven)
12 miles walking of our school, we will provide courtesy
13 busing. In our ninth grade right now, we require two
14 courtesy buses so if similar patterns hold, we would
15 expect at full size that we would provide eight
16 courtesy buses for four (4) total grade levels.

17 Kevin, did you also want me to explain
18 the student driving policy?

19 MR. SHEEHAN: Yes.

20 MS. REDDY: Okay. Great.

21 So, we operate -- our network of schools
22 also operates a high school in Newark called Newark
23 Collegiate Academy. And so we plan to have a similar
24 transportation policy with respect to students
25 driving as we have in that high school which is

1 full size and currently operating, and it's a
2 similarly-sized school, which is that students are
3 not permitted to drive to school.

4 We would offer parents to come to us if
5 there is some sort of very exceptional family or
6 student need that would require a student to drive
7 him or herself to school. In Newark, no families
8 have taken advantage of that exception so we would
9 expect it to be a very limited number. Because,
10 again, students with extreme needs are provided
11 door-to-door district busing. Just for some context,
12 in Newark, our similarly-sized high school, it's
13 about 800 students, slightly larger, there were only
14 10 students who requested or wanted to drive to
15 school.

16 In our experience with the families we
17 serve in Camden, even fewer of them have a vehicle
18 accessible at the home, even one vehicle accessible
19 at the home. Fewer than half of our families report
20 having a vehicle accessible. So, we think many fewer
21 of them would have an extra vehicle that they would
22 even want their high school student to drive to
23 school. So, we don't think that this policy is going
24 to be a hardship for families, especially with all
25 the transportation options we're offering them.

1 One other thing to note, we, at all of
2 our schools, have teachers and other staff members
3 posted outside at arrival. We would have staff
4 members on Chestnut, on Ninth Street and on Sycamore
5 just to make sure that kids are arriving safely and
6 coming into the building in a timely manner. That
7 would enable us to make sure we are watching, to make
8 sure that students are not breaking our policy and
9 driving to school. If they were, we would contact
10 families and let them know of our policy and correct
11 the behavior.

12 MR. SHEEHAN: I would ask Mr. Alberto
13 just to address the Positive and Negative Criteria
14 for the parking variance.

15 MS. MOORE: One clarification. I guess
16 on the actual documents, it was 750 students. Is it
17 the testimony tonight that it's 760 students?

18 MS. REDDY: These are all projections
19 because our policy is not to back-fill, what we call
20 back-fill our students at 11th and 12th grade. What
21 we mean by back-fill is, if students choose to leave
22 because they move, we don't enroll new students in
23 those grades because it's very difficult with credits
24 to let students into those grades.

25 So, we are really guessing based on our

1 previous history how many students we will lose after
2 the 10th grade. And that's why there's a difference
3 in the projection there. We're not planning on
4 kicking out any kids. So depending on which years'
5 numbers you use, you get a slightly different
6 projection. So, I think that's the reason for the
7 discrepancy.

8 MS. MOORE: The only thing for your
9 variance, I need to know what we're going with
10 because that makes a difference in what's required
11 versus what's proposed. So, are we going with the
12 760 or 750?

13 MR. SHEEHAN: We'll go with the 760 which
14 was her testimony, Dena, which would require 175
15 spaces rounded up.

16 MS. MOORE: Yes. Okay. Thank you.

17 MR. SHEEHAN: You're welcome.

18 Angelo, can you address the Positive and
19 Negative Criteria for this variance, please?

20 MR. ALBERTO: Sure. I just want to point
21 out for clarification. That diagram where I said 42
22 feet earlier. That was a diagram and I was just
23 rounding off. But just for the record, Dena,
24 it's 41.875 feet is our height as you calculated.

25 MS. MOORE: Okay. Thank you.

1 MR. ALBERTO: And in terms of the
2 parking, the parking, just very quickly, can be
3 granted pursuant to the (c)2 Section 70 of the Land
4 Use Law. The (c)2 variance is rooted in the purpose
5 of zoning. The Positive Criteria, "Special Reasons
6 Criteria" for this variance, are met because the
7 variance will permit the inherently beneficial use of
8 the property.

9 As to the Negative Criteria, the variance
10 will not be a substantial detriment to the public
11 good. As was testified, it won't have a negative
12 impact. The ordinance provides for parking standards
13 for high school students on the assumption that some
14 of the students will drive to school. This will not
15 be the case here. Without having students drive to
16 school, the use is more similar to a lower-grade
17 level school for regarding parking. If you compare
18 the parking provided here to the elementary school
19 standards, the parking ratio is 1.25 to teacher/staff
20 person. Therefore, the variance will not impair the
21 intent and purpose of the Zone Plan.

22 MR. SHEEHAN: Thanks.

23 MS. MOORE: Regarding the spaces from St.
24 Bartholomew Church, related lease agreements should
25 be provided to the Board Solicitor for review as to

1 form and content.

2 MR. SHEEHAN: Yes.

3 MS. MOORE: If the requested parking
4 variance is granted for deficiency of -- at this time
5 it's 80 parking spaces -- the applicant shall then
6 make a cash contribution to the City for each
7 required space not provided per Section 577-230.R.
8 The contribution shall be in an amount equal to the
9 cost of providing the required minimum number of
10 parking spaces to be calculated by the City Engineer.

11 MR. SHEEHAN: We'll work with the City
12 Engineer.

13 MS. MOORE: The applicant proposes a
14 loading area with access from Sycamore Street. Per
15 Section 577-230.K, the loading area shall not be
16 located between the front building line and street
17 line. A variance is necessary. Testimony should be
18 provided regarding the type, frequency and location
19 of deliveries.

20 MR. SHEEHAN: Ranjana, can you talk about
21 the loading deliveries, please?

22 MS. REDDY: Yes. Based on our current
23 existing schools, we anticipate that there would be
24 approximately two to three deliveries per week. The
25 main items delivered on a weekly basis are food to

1 enable us to serve our meal on site, as well as
2 school supplies including copy paper. Those would be
3 delivered in box-car trucks and they'll use the
4 loading dock area. All those deliveries will be
5 scheduled to happen during school operating hours.

6 MS. MOORE: Per Section 577-230.Z and
7 Section 577-234, parking for 18 bicycles is required.
8 Plans should be revised or waivers requested.

9 MR. SHEEHAN: Chris, we're going to
10 provide those on the plans, right?

11 MR. HAGER: We will provide those on the
12 plans.

13 MS. MOORE: Okay. Thank you. I'll
14 eliminate those in the back.

15 The locations of the building access
16 points should be coordinated between the Site Plans
17 and Architectural Plans. All exterior doorways
18 should be indicated on the Site Plan.

19 MR. HAGER: We'll comply.

20 MS. MOORE: The location of the leased
21 parking spaces associated with this application
22 should be shown on the plans. The parking lot should
23 be repaved and striped for pedestrian safety. The
24 sidewalk and curb along Sycamore Street at the
25 parking lot should be replaced.

1 MR. HAGER: We concur and we'll comply.

2 MS. MOORE: Now, I'm just going to point
3 out. Chris, you're going to provide this testimony?

4 MR. HAGER: I am. For the next several
5 pages, Dena.

6 MS. MOORE: So, the Stormwater Collection
7 and Management System, is there any issue --

8 MR. EINGORN: I'm sorry. Before we get
9 into that, do you want to have Mr. Hager --

10 MR. SHEEHAN: Yes. Chris, can you give a
11 summary of your professional and educational
12 experience so we can qualify you as an expert in
13 engineering?

14 MR. HAGER: Yes. Sorry.

15 Senior principal, senior vice-president
16 at Langan Engineering and Environmental Services.
17 Been with our firm for almost 27 years. I'm a
18 professional engineer in Pennsylvania, New Jersey,
19 New York, Delaware. And educated at Lehigh
20 University; Bachelor's and Master's in civil
21 engineering; Certificate of Real Estate, Monmouth
22 University. Been practicing land development for 27
23 years.

24 MR. SHEEHAN: Is he okay, Kyle?

25 MR. EINGORN: Yes. The Board is

1 satisfied with the credentials of Mr. Hager and we'll
2 qualify him as an expert in engineering.

3 MR. SHEEHAN: Thank you.

4 MS. MOORE: So, the Stormwater Collection
5 and Management System, I'll just go through. You're
6 aware all the underlined items that we have noted.
7 Did you have any questions regarding anything? I
8 know -- I'll point out like proposed manhole
9 1(PR-MH-01) appears to be a doghouse manhole which is
10 not permitted in the City. So, if you can look at
11 that and possibly redesign that area?

12 MR. HAGER: Correct. We don't take any
13 exception, Dena, on 1 and then 2 through 9. Just a
14 comment. On No. 9, the stormwater -- well, you can
15 read No. 9. Do you want to read No. 9, Dena?

16 MS. MOORE: Oh, the stormwater system
17 design must be revised to incorporate green
18 infrastructure to meet the stormwater quantity and
19 stormwater quality requirements.

20 MR. HAGER: We actually have green
21 stormwater infrastructure. We're meeting it through
22 a bioswale and storage. And if that's not clear in
23 the report, we will clarify that in a report. But we
24 are, in fact, using green stormwater techniques.

25 MS. MOORE: Okay. If you can clarify

1 that in the report too.

2 MR. HAGER: We will.

3 MS. MOORE: And then prepare the
4 Stormwater Maintenance Plan too on that 15?

5 MR. HAGER: Yeah. I have a few -- if I
6 can just run through quick, Dena, No. 11.

7 MS. MOORE: Okay.

8 MR. HAGER: So, the applicant is
9 requesting a waiver. We're using the smallest
10 orifice allowed per the regulations. And in that,
11 we're not quite able to detain it long enough to meet
12 this requirement so we are, in fact, requesting the
13 waiver.

14 MS. MOORE: Right. And I have noted that
15 in the back and that is for stormwater quantity that
16 you need that waiver. Okay.

17 MR. HAGER: Correct. Yes.

18 MS. MOORE: Did you want me to go through
19 the rest of the comments here?

20 MR. HAGER: No. There's just a few that
21 I do want to clarify.

22 MS. MOORE: Okay.

23 MR. HAGER: Number 12. We are meeting
24 the 80 percent reduction. We're at 81 percent
25 reduction. We thought it was clear in the stormwater

1 report but we will further clarify that.

2 MS. MOORE: Right. What I wanted you to
3 do was specifically indicate how you're doing that in
4 the report. And it's possible that the paragraph or
5 so that's there, doesn't specifically indicate
6 exactly how you're doing it. And I just prefer that
7 the written portion contain that specifically.

8 MR. HAGER: Very good. Will do. We'll
9 comply. And then 13, Dena, the grass cover must be
10 considered in fair condition; --

11 MS. MOORE: Yes.

12 MR. HAGER: -- grass cover 50 percent to
13 75 percent of the over post under post-development --

14 MS. MOORE: Under post-development, yes.

15 MR. HAGER: Right.

16 MS. MOORE: We are respectfully
17 requesting whether it's a -- we don't even think it's
18 a waiver actually. We're requesting that it be
19 considered in good condition which is consistent with
20 the existing approval for the current school. And I
21 think as the Board was able to see on that aerial,
22 the school has a very good management maintenance
23 plan in place, maintains the site in good condition.

24 And according to the ordinance, we see
25 that it says, you know, considered in fair condition

1 unless otherwise approved. So, we're respectfully
2 requesting based on KIPP's maintenance plan and the
3 condition of the current school, that we'd be allowed
4 to consider the proposed lawn and landscaping in good
5 condition for purposes of the stormwater
6 calculations.

7 MS. MOORE: Does that make that big of a
8 difference between your fair and good? Because I'm
9 typically going to deny the request.

10 MR. HAGER: It will require additional
11 onsite stormwater management. It's a difference in
12 curb number between 61 and 69. So, it's not an
13 insignificant reduction.

14 MS. MOORE: I understand that but this
15 isn't granted. This isn't anything that's granted.
16 And I understand that there is that caveat in there
17 that says that but we don't grant a waiver for that.

18 MR. HAGER: If that's --

19 MS. MOORE: I mean, it's consistent with
20 what you would have done previously.

21 MR. HAGER: Good condition is consistent
22 with the prior submitted report.

23 MS. MOORE: Under post-development
24 conditions?

25 MR. HAGER: Under post-development

1 conditions, correct.

2 MS. MOORE: I don't recall that. And
3 you're saying that you received a waiver from this?

4 MR. HAGER: I don't know that it was
5 specifically a waiver but that's what was approved in
6 good condition. We can provide that, Dena. And if
7 it's acceptable consistent with the current approval.
8 If not, we'll redo the calculations.

9 MS. MOORE: If you can, we can discuss
10 this further. It's just -- I wouldn't be okay with
11 granting a waiver of that. Because the next thing
12 you know, I'll have everyone say that they want a
13 waiver of that because it quote/unquote doesn't work
14 for their calculations. When this is what's in the
15 ordinance for a reason.

16 MR. HAGER: Understood.

17 MS. MOORE: Especially because we have
18 combined systems unlike everyone else. There's only
19 a few towns with combined systems so this is very
20 important.

21 MR. HAGER: Understood. The rest on that
22 page are all, we'll comply, Dena.

23 MS. MOORE: Okay.

24 And then this language, No. 18, that his
25 of notes. You have that note -- as notes on the

1 plans. But when you create the management
2 maintenance, if you can please add those comments
3 also.

4 MR. HAGER: We'll comply.

5 MS. MOORE: Grading?

6 MR. HAGER: Grading, we will comply with
7 1 through 4. And for No. 3, just to confirm, we do
8 not have on basement or a crawl space.

9 MS. MOORE: Okay.

10 And the utilities?

11 MR. HAGER: The utilities, we'll comply.
12 Yes, we will comply with all of those.

13 MS. MOORE: Right. Let me go through.
14 All developers and applicants should note that due to
15 a City Ordinance, a capacity fee may be applicable to
16 the proposed development. The applicant shall
17 contact the City Engineer with all costs related to
18 the same. You acknowledge that?

19 MR. HAGER: Acknowledged.

20 MR. SHEEHAN: Yes.

21 MS. MOORE: You acknowledge that the
22 project must be approved by the City Engineer and the
23 City Fire Chief with written certification provided
24 to our office prior to final signatures on the plan.

25 MR. HAGER: Yes. We have submitted to

1 Orion. We've also submitted to the Fire Chief. And
2 we've received the Fire Chief's approval. We will
3 supply that as well.

4 MS. MOORE: Okay.

5 And a CCTV inspection of the sewer
6 (combined sanitary and storm) system, must be
7 performed and reviewed by the City Engineer prior to
8 construction. The applicant would be responsible for
9 any improvements to the existing infrastructure
10 required for the connection of the proposed
11 project.

12 MR. HAGER: We'll comply.

13 MS. MOORE: And then two notes to be
14 added to the Utility Plan regarding storm inlets and
15 then a drop manhole connection.

16 MR. HAGER: We'll comply.

17 MS. MOORE: A bicycle safe grate should
18 be indicated on the yard drain detail.

19 MR. HAGER: We'll comply.

20 MS. MOORE: And the water pipe crossing
21 detail should be removed from the plans.

22 MR. HAGER: We'll comply.

23 MS. MOORE: Let's go to the planting
24 design.

25 MR. HAGER: Right. And in this case,

1 Spiezel is going to respond to the planting design
2 with you, Dena.

3 MS. MOORE: Okay.

4 MR. HAGER: Thank you very much.

5 MS. MOORE: You're welcome. Thanks.

6 The plant schedule should be revised to
7 provide proposed quantities for all plant material,
8 and all proposed plant material should be identified.
9 Our office is unable to review the landscape plan
10 until this information is provided.

11 MR. HUBERT: Acknowledged. The plant
12 schedule has been revised to include proposed
13 quantities and proposed plant material for the site.

14 MS. MOORE: Section 577-244.C.6,
15 foundation plantings are required along all building
16 elevations. Additional landscaping should be
17 provided or a waiver requested.

18 MR. HUBERT: A waiver shall be requested
19 for not having foundation plantings on the western
20 side of the building.

21 MS. MOORE: Okay.

22 And then your reasoning for the waiver?

23 MR. HUBERT: They actually didn't give me
24 one.

25 MS. MOORE: Is it just the one side?

1 There may be a reason why. It's just that one side
2 you're not able to do foundation plantings?

3 MR. SHEEHAN: On the west side of the
4 building, it looks like there's concrete curb and a
5 pathway on that side, Dena.

6 MS. MOORE: That's fine.

7 MR. HUBERT: There's a walkway there,
8 right.

9 MS. MOORE: The applicant proposes to
10 remove four (4) trees. Per Section 577-247, the
11 caliper size should be provided along with the
12 location of compensatory plantings. Plans should be
13 revised or a waiver requested.

14 MR. HUBERT: Acknowledged. The tree
15 caliper sizes are included on the plan. Compensatory
16 tree plantings are shown on the plan. We can shade
17 in four of the trees and include it in a legend to
18 indicate which trees are compensatory if you'd like.

19 MS. MOORE: Okay. So, a waiver is not
20 being requested, right?

21 MR. HUBERT: No.

22 MS. MOORE: No waiver. Okay.

23 The applicant proposes a bioretention
24 pond with terrestrial tree community plantings.
25 Although a plant list has been provided, quantities

1 and locations are not shown. A planting detail
2 should be provided for this area.

3 MR. HUBERT: Acknowledged. A planting
4 detail along with the plant schedule have been
5 included in the bioretention pond area.

6 MS. MOORE: Per Section 577-244.D.2.a,
7 street trees should be planted at 40 feet on center.
8 Plans should be revised or a waiver requested.

9 MR. HUBERT: Acknowledged. Street trees
10 are currently shown at 40 feet on center.

11 MS. MOORE: Okay. So then you would not
12 need a waiver?

13 MR. HUBERT: Correct.

14 MS. MOORE: And when you say they're
15 currently, is that something that we'll see on
16 revised plans?

17 MR. HUBERT: I think in this particular
18 case, they were shown but just not dimensioned that
19 way. In other instances, the changes have already
20 been made.

21 MS. MOORE: Okay.

22 So, you'll be able to do that exactly 40
23 feet on center for the street trees. No waiver.

24 MR. HUBERT: No waiver.

25 MS. MOORE: Per Section 577-244.A, a

1 buffer is required between residential and
2 nonresidential uses. Where a buffer is not
3 practical, an opaque fence may be substituted if
4 approved by -- it shouldn't say the Zoning Board --
5 in accordance with Section 577-149.

6 MR. HUBERT: A waiver shall be requested
7 to exclude an buffer and/or an opaque fence between
8 the residential and nonresidential use areas. The
9 perimeter fence is existing and will be replaced or
10 modified.

11 MS. MOORE: All right. So you're not
12 requesting a waiver or anything. I'm sorry. What
13 was that testimony? So, there's a fence?

14 MR. HUBERT: It says, a waiver shall be
15 requested to exclude the buffer and/or an opaque
16 fence between the residential and nonresidential use
17 areas.

18 MR. SHEEHAN: To exclude, is that what
19 you said, John?

20 MR. HUBERT: Yes.

21 MR. SHEEHAN: So, we're asking for a
22 waiver from that, Dena.

23 MR. HUBERT: Yes.

24 MS. MOORE: Okay. So, it's a buffer.
25 I'll just add the buffer here.

1 Loading areas should be screened per
2 Section 577-224.B.13. In addition, testimony should
3 be provided regarding hours of delivery and operation
4 to determine the impact on adjacent residences.

5 So, I think we've already testimony
6 regarding loading area.

7 MR. SHEEHAN: Correct.

8 MR. HUBERT: Correct.

9 MS. MOORE: So, will you be able to
10 provide screening in that location?

11 MR. ALBERTO: I don't believe we were
12 proposing screening because it's, you know, very
13 sporadic drop-offs by just box trucks.

14 MS. MOORE: Okay. So then you would be
15 requesting a waiver for loading area screening,
16 correct?

17 MR. ALBERTO: Yes. Correct.

18 MS. MOORE: All electrical and mechanical
19 equipment shall be screened from view per Section
20 577-224.B.19. Testimony should be provided.

21 MR. HUBERT: No electrical equipment is
22 located on the grounds at the site. No screening is
23 required.

24 MS. MOORE: So, anything on the roof?
25 It's screened on the roof if it's on the roof?

1 MR. HUBERT: There is no screening on the
2 roof.

3 MS. MOORE: So then we'll be able to see
4 the electrical and mechanical equipment on the roof?

5 MR. HUBERT: You will see it on the lower
6 section of the roof in the back.

7 MS. MOORE: It can't be screened?

8 MR. HUBERT: It's currently not shown as
9 screened.

10 MS. MOORE: Can you screen it?

11 MR. HUBERT: I suppose we could.

12 MS. MOORE: Parapets; something?

13 MR. HUBERT: I --

14 MR. ALBERTO: We're responding to
15 planting design and just interpreted that as on the
16 ground.

17 MS. MOORE: Right. Well, we normally put
18 that with planting but this is -- this section is for
19 all electrical and mechanical equipment whether it's
20 on the ground or on the roof. It just happens to be
21 here and landscaping as if it were on the ground.
22 But it doesn't distinguish between the two. The
23 requirement is that all electrical and mechanical
24 equipment should be screened. So once I got further
25 information to find out that it's on the roof, we

1 even want it screened on the roof.

2 MR. SHEEHAN: You're talking about you
3 can't screen it on the roof then?

4 MR. ALBERTO: Well, we can screen it
5 on -- Mike, what's your --

6 MR. SENCINDIVER: Kevin, this is Mike
7 Sencindiver. I think it's an appropriate question by
8 Dena. And that low roof that has rooftop units on
9 it, Dena, we will screen those.

10 MS. MOORE: Okay. Thank you. So, I'll
11 just note that it's on the roof and it will be
12 screened. Thank you.

13 MR. SHEEHAN: Yes.

14 MS. MOORE: Given the nature of the
15 site as a school, testimony should be provided that
16 no poisonous plants are proposed.

17 MR. HUBERT: No plants are proposed that
18 are poisonous for the students. The InkBerry Holly
19 has been substituted out for the Green Gem Boxwood.

20 MS. MOORE: Okay. Thank you.

21 MR. HUBERT: You're welcome.

22 MS. MOORE: A disease-resistant cultivar
23 should be specified for the proposed Dogwood trees.

24 MR. HUBERT: Acknowledged. The
25 disease-resistant Dogwood cultivar has been

1 specified. We can recommend using the Constellation
2 Dogwood to replace the Flowering Dogwood.

3 MS. MOORE: Okay. Thank you.

4 Planting Note No. 36 should be revised to
5 provide a two-year guarantee in accordance with
6 Section 577-245.R.

7 MR. HUBERT: Acknowledged. Landscaping
8 Note No. 36 has been revised to provide a two-year
9 guarantee in accordance with Section 577-245.R of the
10 City of Camden ordinance.

11 MS. MOORE: We'll jump to lighting.

12 The minimum and maximum lighting levels
13 for walkways not associated with a parking lot should
14 be provided in accordance with Section 577-243.A.15.a
15 or a variance requested.

16 We have noted that the minimum lighting
17 is 0.5 (point five) footcandles and the maximum
18 lighting level is 1.0 (one) footcandle. So, the
19 walkways. Will you be able to meet those
20 requirements or would you be requesting
21 a variance?

22 MR. HUBERT: So, the word exactly shows
23 specifically which walkway you were referring to.
24 There are two inside of the property. There is an
25 existing walkway that runs north-south along the

1 western side of the building. And there is a new
2 walkway on the western edge that comes out from the
3 exits there.

4 So, at the walkway at the exits there,
5 the second one, our footcandles will be between 0.5
6 (point five) and 7.1 (seven point one). And at the
7 existing building, they will be between 0.5 (point
8 five) and 3 (three).

9 MS. MOORE: Okay. I believe 3 (three) is
10 permitted if it's directly under a light. So, it
11 sounds like you're requesting this variance?

12 MR. SHEEHAN: Yes.

13 MS. MOORE: Okay.

14 And it exceeds the one. Is that for
15 security purposes? Is there any specific reason you
16 wanted to put on record for why your maximum lighting
17 level exceeds one?

18 MR. ALBERTO: I believe our lighting
19 consultant said that it was consistent with the other
20 lighting around the site.

21 MS. MOORE: Okay. And it might be for
22 security purposes too?

23 MR. ALBERTO: Yes

24 MR. SHEEHAN: Right.

25 MS. MOORE: Per Sections 577-224.B.9 and

1 577-243.A, lighting should minimize glare and
2 off-site spillage. A full cut-off fixture should be
3 provided in lieu of the proposed floodlight fixtures.

4 MR. HUBERT: We will remove the
5 floodlight and change five, quantity five, of the
6 building mounted-type AA1 fixtures from a full
7 cut-off type three distribution fixture to a full
8 cut-off type four distribution fixture noted as type
9 AA2 on the revised drawings.

10 MS. MOORE: Okay.

11 And you will eliminate the floodlight
12 fixture, correct?

13 MR. HUBERT: Yes.

14 MS. MOORE: Per Section 577-243.A.10, no
15 more than 0.25 footcandles are permitted ten (10)
16 feet from the property line. Plans should be revised
17 or a variance requested.

18 MR. HUBERT: Okay.

19 All other new lighting fixtures are the
20 same as previously submitted. A variance will be
21 requested for the light trespass at a slightly more
22 than 0.25 footcandles at ten (10) feet beyond.

23 MS. MOORE: Okay. I have noted that
24 you're requesting that variance.

25 The color of the proposed fixtures should

1 be indicated at this time.

2 MR. HUBERT: It's noted on the drawings.

3 MS. MOORE: Was it on the site plan or
4 the detail? Because we missed it somewhere so I just
5 wanted --

6 MR. HUBERT: He told me it's noted on the
7 drawings.

8 MR. SENCINDIVER: This is Mike
9 Sencindiver. We'll note it if it's not there, Dena.

10 MS. MOORE: Okay. Thank you.

11 Per Section --

12 MR. HUBERT: Same thing for the next one.

13 MS. MOORE: Okay. And you'll add that
14 note on the plan?

15 MR. HUBERT: Yes.

16 MS. MOORE: Or are you saying that note
17 was already added to the plan?

18 MR. HUBERT: I'm saying it's both. It's
19 on there but we'll make sure that it's there and you
20 can see it.

21 MS. MOORE: Or in your response letter,
22 what's easiest is that you tell me exactly where it
23 is if it's already on there and then we'll see it.

24 MR. HUBERT: We'll do.

25 MS. MOORE: Okay. Thank you.

1 The Traffic Report. I will jump down to
2 No. 6: The applicant's traffic engineer should
3 provide testimony in support of the trip generation
4 numbers provided and anticipated number of
5 non-vehicular trips.

6 MR. SHEEHAN: Bryan, before you do that,
7 can you give a very quick summary of your
8 professional and educational experience, please?

9 MR. PROSKA: Sure. Bryan Proska, again,
10 the traffic planning and design. Bachelor of Science
11 of Civil Engineering from Penn State. Master's of
12 Transportation from NJIT. Licensed professional
13 engineer, New Jersey and Pennsylvania. Previously
14 testified before city Boards for other prior
15 educational site applications including Mastery
16 Charter Schools and Uncommon Prep. Our firm was also
17 involved with the previous KIPP Cooper Norcross
18 Schools across the city.

19 MR. SHEEHAN: And we would submit him as
20 an expert as a traffic engineer?

21 MS. MOORE: Okay.

22 MR. SHEEHAN: Thanks.

23 MS. MOORE: Oh, I'm sorry. I wasn't
24 suppose to accept it.

25 MR. EINGORN: I think the Board is

1 willing to accept Mr. Proska as a professional.

2 MR. SHEEHAN: Thank you.

3 Brian, can you address No. 6, please?

4 MR. PROSKA: Thank you. Sure.

5 The middle split that we used in the
6 traffic assessment was based on U.S. census data for
7 the surrounding area which approximately indicates
8 about 20 percent of households in the area have no
9 vehicle availability. And another 40 percent of
10 households has only one vehicle available.

11 And in addition as Ms. Reddy testified,
12 students will be offered a number of transportation
13 options including walking, the nearby public transit
14 access and the courtesy busing for some students.
15 So, for these reasons, we believe the middle split
16 that we used in our assessment is appropriate and
17 that the methodology is consistent with other traffic
18 studies that we prepared and has been accepted
19 in the City for other educational facilities
20 including the prior Whittier School redevelopment.

21 MS. MOORE: Okay.

22 And the applicant's traffic engineer
23 should confirm that adequate sight distance in
24 accordance with ASSHTO policies exists at all
25 existing and proposed driveways.

1 MR. PROSKA: We will confirm by showing,
2 looks like, the sight distance required on the
3 revised plans and that they conform with ASSHTO sight
4 distance standards.

5 MS. MOORE: The applicant's traffic
6 engineer should provide testimony that the on-site
7 roadway network is expected to safely and efficiently
8 accommodate the anticipated traffic volumes.

9 MR. PROSKA: Yes. It's my understanding
10 that the site as it is today, functions efficiently
11 for its use and as such, it will continue to operate
12 in an efficient manner with the redevelopment.

13 MS. MOORE: We'll go to the Environmental
14 Impacts. Based on our review of Langan's EIA
15 Addendum, it appears that the proposed expansion
16 improvements to the existing Whittier School, will
17 cause no adverse environmental impacts and no
18 off-site impacts to neighboring or adjacent
19 properties are anticipated as a result of this
20 development.

21 Remington & Vernick Engineers concurs
22 with Langan's findings regarding the EIA Addendum and
23 Remington & Vernick Engineers encourages the
24 applicant to continue its process of working closely
25 with the Camden County Soil Conservation District,

1 Camden County Planning Board, City of Camden
2 Department of Capital Improvements and the City of
3 Camden Planning Board to avoid impacts to any
4 environmental features adjacent to and/or on the site
5 and to comply with any outstanding issues, and obtain
6 all necessary licenses, permits, waivers and
7 approvals prior to site development.

8 You acknowledge that?

9 MR. HAGER: We do, Dena, and we agree.

10 MS. MOORE: Okay.

11 It appears that no trash enclosures are
12 proposed.

13 MR. EINGORN: Just so the Board knows
14 where we are, we're now on page 17, paragraph L.

15 MR. EINGORN: No worries.

16 MS. MOORE: Yes. Sorry. We're on to
17 trash enclosure.

18 It appears that no trash enclosure is
19 proposed. If a trash enclosure exists, it should be
20 shown on the plan.

21 MR. HUBERT: We will comply.

22 MS. MOORE: The architectural elevations
23 depict an attached sign labeled, "final design to be
24 determined" -- this is for signage -- whereas, the
25 zoning table on the cover sheet indicates that no

1 signage is proposed.

2 MR. SHEEHAN: We are not proposing
3 signage at this time.

4 MS. MOORE: No signage at this time?

5 MR. SHEEHAN: Correct.

6 MS. MOORE: Okay. And I will remove the
7 variance about sign area.

8 On Block and Lots, we noted, our office
9 recommends that the lots be consolidated at this
10 time. The applicant must obtain the correct tax map
11 plates and block and lot numbers from the Tax
12 Assessor. Written verification must be received by
13 this office prior to final review and signature of
14 the deeds and/or plat.

15 But the first thing for consolidation is
16 that it would be all one owner. So, since that's not
17 the case at this time, if that is determined to be
18 the case in the future, then you would consolidate,
19 correct?

20 MR. SHEEHAN: Correct.

21 MS. MOORE: The landscape plan depicts a
22 double 4-foot wide gate on the Chestnut Street
23 frontage, whereas the site plan only shows the
24 proposed 16-foot wide rolling gate associated with
25 the loading zone access. Plans should be revised to

1 coordinate. So, can you explain that?

2 MR. HAGER: Yes, we'll comply. I think
3 it might be a graphic issue, Dena, just the way it's
4 presented. So, we'll clarify between the two plans
5 and coordinate on that item.

6 MS. MOORE: Okay.

7 Appropriate construction details
8 including dimensions, colors and materials, should be
9 provided for any gates and fencing. It should be
10 noted that per Section 577-197.F, fences in the front
11 yard are limited to 4 feet in height.

12 MR. HUBERT: We'll comply with all the
13 detailing and the dimensions and the colors and
14 whatnot. The existing fence around the perimeter is
15 6 foot tall --

16 MS. MOORE: Okay. Is it possible that -

17 MR. HUBERT: -- which I believe, although
18 I wasn't there but I believe that that was part of
19 the previous application.

20 MS. MOORE: So, you may have received a
21 variance for that?

22 MR. SHEEHAN: Right.

23 MR. HUBERT: Yes, we did.

24 MS. MOORE: So, is this -- with this
25 application, are you also going to have a fence in

1 the front yard that will match that previous height
2 of 6 feet in which you would need a variance from
3 this Board?

4 MR. SHEEHAN: Yes.

5 MS. MOORE: Okay. Under the variances I
6 have included the fence.

7 It appears -- I'm under Miscellaneous.
8 It appears that the applicant proposes to eliminate
9 the turf field to install the proposed building
10 addition. Testimony should be provided as to how the
11 children's outdoor recreation needs will be
12 addressed. Our office questions whether the outdoor
13 space may be programmed more efficiently.

14 MR. SHEEHAN: Mike Sencindiver.

15 MR. SENCINDIVER: Dena, that's a
16 legitimate question. There will still be flat
17 surface area outside of the cafeteria within 75 feet
18 from Sycamore which will be programmed by KIPP for
19 access.

20 You should be aware that we've been
21 speaking with the City, with the Mayor's office and
22 his professionals in coordination with the county to
23 attempt to secure via lease and/or acquisition the
24 property that's bounded by Kaighns & 7th immediately
25 across from St. Bartholomew's Church which was known

1 originally -- I guess not originally but locally as
2 the Tent City area which has been cleaned up a few
3 months ago. So, our hopes are that we'll continue
4 that conversation and get to that point that we'll be
5 able to put a field there.

6 MS. MOORE: Okay.

7 The applicant proposes an outdoor seating
8 area with picnic tables. At least one table should
9 be shown as ADA accessible and appropriate
10 construction details provided.

11 MR. HUBERT: We'll comply with that.

12 MS. MOORE: Our office takes no exception
13 to the 2021 updates provided for the Community Impact
14 Assessment and the Visual Impact Assessment. That's
15 just an FYI.

16 The signature block on the plans should
17 be revised from stating "Planning Board" to "Zoning
18 Board" for the signatures for the Chairman, Secretary
19 and Engineer.

20 MR. SHEEHAN: Yes.

21 MS. MOORE: Okay.

22 And on page 19, the Summary of Variances
23 and Waivers, I eliminated the bicycle parking and
24 also sign area for the variances. So, we have
25 maximum lot area, building coverage, impervious

1 coverage, building height, fence height, number of
2 parking spaces, loading area in the front yard,
3 off-premises parking area, lighting levels at
4 property line, and lighting levels for walkways.

5 MR. SHEEHAN: Yes.

6 MS. MOORE: For Waivers, I eliminated
7 compensatory planting but I added buffer per Section
8 577-244.A. And so Waivers, we have noted as loading
9 area screening, foundation plantings, street trees,
10 the 2-peak flow rate for quantity for stormwater and
11 buffer.

12 MR. SHEEHAN: Yes.

13 MR. EINGORN: I thought the applicant
14 testified that were going to meet the street trees.

15 MR. SHEEHAN: Yes, we did, the 40 foot on
16 center. Yep.

17 MS. MOORE: Okay. Sorry. So, I will
18 eliminate the street trees.

19 You're aware of the approval process as
20 listed on pages 19 and 20. And if you have any
21 questions about that, you can contact me.

22 MR. HAGER: Thank you.

23 MS. MOORE: Outside agency approvals I
24 have noted, Camden County Planning Board, Camden
25 County Soil Conservation District, Camden County

1 Municipal Utilities Authority and then any others
2 that may be necessary.

3 MR. SHEEHAN: Yes, we have the county
4 waiver already.

5 MS. MOORE: Okay. That concludes my
6 review.

7 MR. SHEEHAN: And that's all our
8 testimony, Mr. Chair.

9 MR. EINGORN: Does the Board want to ask
10 any questions of the applicant regarding the request
11 for site plan approval?

12 MR. COOPER: Yes, I have one. Section
13 577-230.F, the number of parking spaces.

14 MS. MOORE: 230, yes.

15 MR. COOPER: Ms. Reddy, you say that
16 these students -- you're taking a projection from
17 Newark and you're saying that because the students up
18 there don't drive, that doesn't mean that these kids
19 here may have access to a car.

20 This is going to be a pretty nice high
21 school from what I could take from being KIPP
22 Norcross. We have athletes that travel into this
23 City on a daily basis to play ball for these high
24 schools here. And I think that you should reconsider
25 or maybe even think about adding parking permits for

1 students, a couple of them at least.

2 MS. REDDY: Thanks for that. Should I
3 respond?

4 MR. SHEEHAN: Yes.

5 MS. REDDY: Okay. I definitely agree
6 that projections from Newark are not always accurate
7 in Camden. It is the only place where we have a high
8 school right now, so it's our best understanding.
9 But I definitely agree with you. The other place
10 where we are getting our information and, again, we
11 don't have high school kids yet so these are all
12 educated guesses.

13 Our surveys that we've done with families
14 about their access to the vehicles in their house,
15 and it's not -- we definitely do have families who do
16 but it is fewer than in Newark and so that's the
17 reason that we were thinking that we might be able to
18 draw on our past experience. Can you say more about
19 what you're saying for student athletes? The
20 recommendation is to have permitted parking for --

21 MR. COOPER: We should have a couple
22 spaces dedicated for parking permits. Because like I
23 said, we have kids that comes outside of the City
24 here to play sports now. And these kids are driving
25 and their 18 years old. And, you know, for them to

1 have to come and park on a street and walk to school,
2 it may be a hazard to them. Where's they could park
3 inside of a fence or a gate.

4 And I know for a fact, two students that
5 play football for Woodrow Wilson that did not live in
6 the City, that drove cars.

7 MS. REDDY: Yeah, that's helpful. As a
8 Renaissance School, we are not actually allowed to
9 enroll students on the front end who don't live
10 within Camden City. That doesn't mean that there
11 couldn't still be some kids who live on the other
12 side of the City who might need permits. But we
13 wouldn't have out-of-city students at our school
14 because of those regulations.

15 I do think, though, we do plan to have a
16 process in place where if a family thinks it is an
17 extreme hardship and they really need their child to
18 be able to drive them to school, we would consider
19 those cases. And I think we do have a little bit of
20 flexibility in the number of spaces that we are
21 absolutely required and what we're providing, that
22 would able to account for a couple of cases like
23 that.

24 MR. COOPER: Thank you.

25 MS. REDDY: Thanks.

1 MR. ALBERTO: Mr. Cooper, I also wanted
2 to add, as a planner, that one of the most efficient
3 uses of parking is that currently we've designed it
4 for peak time during school hours and sports often
5 occur after school. So, it's very efficient that
6 when a portion of the teachers are leaving, you have
7 open parking spaces and that's when students can come
8 in from the outside or from other parts of the City.
9 So, conceptionally it probably would work out.

10 MR. SHEEHAN: Any other questions of the
11 Board?

12 MR. EINGORN: If there's no further
13 questions from the Board, we should open the
14 application for preliminary and final site plan
15 approval to the public for comment.

16 REVEREND MARTINEZ: Final approval.

17 MR. EINGORN: The applicant is requesting
18 preliminary and final site plan. Is there any
19 comment or questions from the public? Hearing none,
20 the Board should do a discussion of the application,
21 ask any further questions and then propose a motion.

22 MR. COOPER: I have no real concerns
23 here. As long as they live up to what they
24 promise to do in here. And the only way I could have
25 them do that, if site plan approval -- if the

1 Planning Board accepts all they wants to do.

2 MR. EINGORN: The Planning Board is not
3 going to consider this. Because of the use variance
4 component of this application, the applicant is
5 required by law to permit to -- to present its
6 use -- I mean, its site plan application to the
7 Zoning Board.

8 So, tonight is the night for the Board to
9 weigh on the application which has been presented and
10 make a decision. To the extent that a motion is
11 made, it needs to consider the requested variances
12 and waivers and be subject to the comments and
13 conditions of the Zoning Board's engineer's testimony
14 and letter dated March 19th, 2021.

15 MR. COOPER: Okay. Well, in that case,
16 I will move to approve this if we want to do this; if
17 we're at that juncture.

18 MR. EINGORN; So, the motion to approve
19 subject to the letter and including the variances and
20 requested waivers; is that correct?

21 MR. COOPER: Yes, that's correct.

22 MR. EINGORN: Do we have a second?

23 MS. MERRICKS: I second it.

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

1 CHAIRMAN HAMILTON: Abstain.

2 MR. EINGORN: Abstain?

3 CHAIRMAN HAMILTON: I'm not voting.

4 MR. EINGORN: Understood. Reverend
5 Martinez.

6 REVEREND MARTINEZ: Yes.

7 MR. EINGORN: Ms. Washington. Ms.
8 Atwood.

9 MS. ATWOOD: Yes.

10 MR. EINGORN: Ms. Merricks.

11 MS. MERRICKS: Yes.

12 MR. EINGORN: Mr. Cooper.

13 MR. COOPER: Yes.

14 MR. EINGORN: I would note for the record
15 that there is four in favor which is enough to grant
16 the application. We haven't heard from
17 Ms. Washington.

18 MS. DAVIS: Kyle, I shared that her phone
19 is mute.

20 MR. EINGORN: For completeness sake, they
21 don't technically need the vote but she did weigh in
22 on the use variance.

23 MS. DAVIS: I would probably have to call
24 her again. Is that necessary?

25 MR. SHEEHAN: I don't think it's

1 necessary, Kyle, for the site plan.

2 MR. EINGORN: Then if the applicant is
3 okay without it, we can note for the record that the
4 applicant does have the requisite votes for granting
5 of the preliminary and final site plan application
6 with the variances and waivers subject to Remington &
7 Vernick's March 19th, 2021 letter. And that would
8 conclude the application and we appreciate you coming
9 before the Board.

10 MR. SHEEHAN: Thank you, Kyle. Thank
11 you, Mr. Chairman and Board members.

12 MR. COOPER: You're welcome.

13 MR. EINGORN: Before the next
14 application, I apologize, I need one moment just to
15 use the restroom. Dena, do you have something?

16 MS. MOORE: I'm going to say, that's it
17 for me this evening. I will definitely see you next
18 month, though, at next month's Zoning Board meeting.

19 MR. EINGORN: I'm looking forward to it.

20 - - -

21 (The proceedings are off the record.)

22 (The proceedings are back on the record.)

23 - - -

24 MR. EINGORN: Let's take the next
25 applicant. We're going to go to Dog House, LLC. I

1 see a window with some persons and I believe there
2 was an attorney.

3 MR. DOUGHERTY: Kyle, Paul Dougherty.

4 MR. EINGORN: How are you this evening?

5 MR. DOUGHERTY: Good Kyle. Good evening
6 everybody. And, yes, that is correct. The applicant
7 is available in the second window.

8 MR. EINGORN: They're my third window.

9 MR. DOUGHERTY: Okay.

10 MR. EINGORN: So that the Board is aware,
11 this applicant was previously before the Board;
12 obtained a variance which was vetoed by the Mayor.
13 This is an application for the use of a property for
14 social meetings and gatherings. I will let counsel
15 describe all of that. But the issue tonight is
16 whether or not this application is barred by the
17 doctrine of Res Judicata.

18 So that you understand what that means
19 before the attorney for the applicant gives his
20 presentation, the theory of Res Judicata is a legal
21 theory which says, that once something has been ruled
22 on, and this Board is a quasi-judicial Board,
23 meaning, that you act as a judge. Once you've made
24 your ruling, that ruling holds unless the applicant
25 can demonstrate that there is a substantial change in

1 the application.

2 In this case, the Mayor has vetoed the
3 application. And, so, the Zoning Office, Planning
4 Office has denied a permit based upon Res Judicata.
5 And so with that in mind, I will turn the show over
6 to Attorney Dougherty for his presentation.

7 MR. DOUGHERTY: Thank you, Kyle. I have
8 with me representatives from Dog House, LLC included
9 in that third window as you referenced, Kyle, Ernest
10 Hall, who can speak directly if there's any
11 questions. The concern is, the Mayor's veto. When
12 you say Res Judicata, Kyle, the term, just so I'm
13 clear, and maybe the Board members because I know
14 this is a while ago, the Board approved the client --
15 my client's application, correct?

16 CHAIRMAN HAMILTON: Right.

17 MR. DOUGHERTY: Okay. So, is it a
18 question before the Board whether or not the veto
19 still carries or would you like to hear more
20 regarding the applicant? My client, in essence,
21 because of the Mayor's veto, was denied permits to
22 just bring a commercial property up to code and
23 that's what he's interested in doing. I believe the
24 zoning is under the office/light industrial zone.

25 I believe there's a wide vast of

1 permitted uses which commercial use would fall under.
2 And he's really interested in moving forward with
3 just bringing the property up to a commercial code
4 and that's why he's here tonight. And I would assume
5 that, is there going to be a decision on proceeding
6 or continuing the veto, Kyle? Is that what you'll
7 recommend to the Board?

8 MR. EINGORN: Right. I mean, my legal
9 advice to the Board would definitely be to continue
10 the veto based upon Res Judicata. These applicants
11 are the same. It seems to me that the application is
12 the same. I don't know -- if they're going, you
13 know, bring this property up to code for a use that's
14 allowed within the zone and that's something that
15 needs to be brought before the Planning and Zoning
16 Office to discuss, you know, what the property can be
17 used for. But this property can't be used for social
18 meetings and gatherings because in my opinion, that's
19 been vetoed and is now barred by the doctrine of Res
20 Judicata.

21 So, if the applicant is looking to use
22 this property for a conforming use, that's something
23 that can be raised with the Director of Planning and
24 the Planning Office. And I don't think that would
25 require us if the application or the applicant wants

1 to withdraw the application. But as it relates to
2 social gatherings and meetings, I think that's
3 probably off the table. Obviously, the Board would
4 make that decision. I would agree with Dr. Williams'
5 permit denial.

6 MR. DOUGHERTY: My concern, Kyle, is with
7 the permit denial being done, that he can't continue
8 any type of repairs to the property. And without
9 that being voted on by the Board tonight -- if we
10 could, Kyle, indulge Mr. Hall for a couple of minutes
11 with the Board. Would that be okay?

12 MR. EINGORN: Listen, you're going to
13 need your record for appeal so I'm happy to indulge
14 whatever Mr. Hall has to say to make his record. It
15 does say in the appeal for zoning in paragraph eight,
16 the present use is for meetings. The proposed use is
17 for helping the community. So, maybe we need
18 testimony about that.

19 But I don't think that that use in and of
20 itself, is something that would qualify as a
21 permitted use in this zone. So, I'm ready to hear
22 and the Board is ready to hear the applicant and what
23 you have to say so that you can make your record.
24 But as it relates to, you know, what's before the
25 Board, the applicant has a high burden of proof.

1 CHAIRMAN HAMILTON: Attorney, I want to
2 ask you something.

3 MR. EINGORN: Yes, sir.

4 CHAIRMAN HAMILTON: This has been on the
5 table four or five times. You had the people in the
6 area come past and they told you about them that they
7 help the food for the people in the area and they
8 voted on it. They came and they had a good -- how do
9 you say it -- it was good for them what they was
10 talking about. And now everytime they come up, they
11 can't have it. The people in the community said they
12 help us plus we have dinners and things for the
13 seniors and things. So what's the problem? We voted
14 on it before. This here right here, pisses me off
15 because it keeps coming up, coming up, coming up.

16 MR. EINGORN: So, at the time of the
17 original application, I was not the Board attorney so
18 I can't comment on what happened prior. What I can
19 tell you is that the applicant has made the
20 application again. And based upon what's happened
21 prior, is why they've been denied for the
22 requested use. And so that's where we are. I can't
23 comment as to why it keeps coming up or why the
24 application was brought and worded the way it was.
25 That's something we'll have to hear from the

1 applicant.

2 CHAIRMAN HAMILTON: When you bring people
3 in there to say something good or bad about them,
4 everybody came in and said something good. They
5 helped the area, the community and everything.

6 MR. EINGORN: And that's great. But I
7 can't comment on that because, one, I wasn't there
8 and two, you know, there's already been a veto which
9 is now binding, in my opinion, upon the Court.

10 MS. DAVIS: Kyle, this is the first time
11 this application has been before the Board. It's
12 been on the agenda but this is the first time it has
13 been heard, Mr. Hamilton.

14 CHAIRMAN HAMILTON: No. What I'm
15 saying --

16 MR. EINGORN: This probably was heard
17 prior because it's Res Judicata.

18 MS. DAVIS: I'm not talking about the
19 veto portion. I'm talking about the recent time. It
20 hasn't been brought in front of our Board. It's a
21 new application. And it's the first time it's being
22 heard tonight.

23 CHAIRMAN HAMILTON: Okay.

24 MR. EINGORN: My apologies. So, let's
25 hear from the applicant and their attorney and we can

1 weigh the application.

2 MR. DOUGHERTY: If we can swear in Ernest
3 Hall.

4 MR. EINGORN: Chairman Hamilton, would
5 you swear in the applicant, please.

6 CHAIRMAN HAMILTON: Okay.

7 - - -

8 ERNEST HALL, having first been duly
9 sworn, was examined and testified as follows:

10 - - -

11 CHAIRMAN HAMILTON: Give your name and
12 address.

13 MR. HALL: My name is Ernest Hall.
14 Address is 264 Utah Street, Camden, New Jersey.

15 MR. DOUGHERTY: Mr. Hall, why don't you
16 tell the Board what you're trying to attempt to
17 accomplish at 847 Princess Avenue and the fact that
18 it's not deemed -- and the reason it's not a
19 prohibited use as a social club and what changes
20 tonight?

21 MR. HALL: First of all, I'll just give
22 you my identity. I'm a general contractor. I've
23 been working in Camden 29 years. I have done a lot
24 of commercial buildings. I do a lot of homes and
25 stuff. And I work for a lot insurance and building

1 companies. This building here had blinds and stuff
2 like there and stuff on the building and stuff.

3 So, it was brought to my attention that
4 they wanted to bring the building and stuff up to
5 code. So, I put the permits in to bring this
6 building up to code, give the City exactly what they
7 want. The reason is, you know, being under the
8 things what I do throughout the City just me and
9 through the club itself, Unity Day for 19 years the
10 vice-president. We go out and for Stop the Violence
11 and we help the community. We try to help the kids
12 and stuff and older people and stuff like that
13 there. That's what it's for. The only thing that I
14 want basically right now, what we're trying to do
15 right now, is stop getting the fines, bring the
16 building up to code the way the City and stuff wants
17 it. And then we will take it from there.

18 MR. DOUGHERTY: Mr. Hall, your intent and
19 you're no longer seeking a social meetings and
20 gatherings purpose for the building, correct?

21 MR. HALL: When you're saying social
22 meetings and gatherings and stuff, we come there and
23 we sit down and we have our meetings and stuff. This
24 is something that we do. The name speaks up for
25 itself.

1 We have just recently in the last year,
2 we did the run for Stop the Violence and stuff
3 throughout the City. And actually, we was with the
4 Mayor and the police department going riding and
5 stuff helping different things and stuff out through
6 the community. This is what we're about.

7 MR. DOUGHERTY: Are you seeking Board
8 approval tonight to use this as a commercial space
9 and you want to get the permits for that purpose to
10 bring it up to code?

11 MR. HALL: That is correct.

12 MR. DOUGHERTY: And formally and legally,
13 you're not pursuing Board approval and the social
14 meeting and gatherings purpose of the building,
15 correct?

16 MR. HALL: That is correct.

17 MR. DOUGHERTY: And what you're seeking
18 tonight from the Board, would be approval to move
19 ahead as a commercial unit which is an approved and
20 permitted use and just, in essence, to get permits
21 granted. Because I think the problem, Kyle, is that
22 he can't get the permits because of the Mayor's veto.
23 So, what I would like to do is have him withdraw the
24 social meetings and gatherings and ask the Board
25 approval to proceed with issuing the permits for

1 repairs for commercial use. Is that correct, Ernest?

2 MR. HALL: Yes, sir.

3 MR. DOUGHERTY: Anything else you're
4 asking the Board tonight?

5 MR. HALL: I'm asking the Board that we
6 withdraw that there. But to have a building that
7 you're paying taxes and stuff on, and you're sitting
8 down -- and you're starting to get fines and fines,
9 you know. I just want to bring the building up to
10 code. I'll give the City and stuff what they want
11 and move forward.

12 MR. COOPER: Kyle, I have a question. If
13 we vote on this, okay, the Mayor most likely is going
14 to veto it again.

15 MR. EINGORN: The Mayor could veto
16 whatever you decide, that's true.

17 Listen, just like being any other judge
18 in any other courtroom, you have to make the decision
19 that you think is correct. And if there's a veto or
20 an appeal, a judge or higher authority believes you
21 were wrong, then that's what they'll do. To base
22 your decision on whether or not you're going to be
23 vetoed, it doesn't comply with your legal obligation
24 to waive the application.

25 Now, it seems to me like the applicant is

1 trying to amend the application on the spot. And
2 correct me if I'm wrong, Mr. Dougherty, but what
3 you're essentially asking is an interpretation that
4 the applicant can seek permits for a permitted use
5 and subject to the fact that they cannot seek
6 meetings and gatherings; is that what you're
7 saying?

8 MR. DOUGHERTY: That is correct, Kyle.
9 And I believe an application if the Board were to
10 approve that, would not get the Mayor's veto on this
11 occasion.

12 MR. EINGORN: My question to you is, if
13 you were just to withdraw this application and
14 request the permit for a different use, wouldn't that
15 be a more effective use of your time?

16 MR. COOPER: Yes.

17 REVEREND MARTINEZ: Yep.

18 MR. EINGORN: What I--

19 MR. DOUGHERTY: Who are you asking, the
20 applicant?

21 MR. EINGORN: You're here tonight for the
22 applicant. I'm not trying to give you a hard time.
23 But it seems to me like picking a use and requesting
24 the permits for that specific use as opposed to
25 coming back from meetings and gatherings, may be more

1 effective for the applicant than seeking a
2 determination from the Board that may obtain a veto
3 later for whatever reason. I can't conjecture or
4 speculate as to why it would be vetoed on any basis.

5 MR. DOUGHERTY: My client is seeking that
6 approval tonight from the Board without the social
7 meetings and gatherings caveat.

8 MR. EINGORN: Right. But there's -- the
9 only thing before the Board tonight is the requested
10 interpretation regarding Res Judicata. My client
11 doesn't have authority to issue permits or grant a
12 use that's not before the Board, right?

13 MR. DOUGHERTY: Kyle, what do you feel
14 comfortable with the Board voting on tonight?

15 MR. EINGORN: All I really believe is
16 before the Board, is an application to allow meetings
17 and gatherings which would be a request for an
18 interpretation regarding Res Judicata.

19 MR. DOUGHERTY: But based on my client's
20 testimony and the uses that he said and its
21 commercial use, why couldn't we go before the Board
22 and ask for that approval tonight?

23 MR. EINGORN: Because a commercial use is
24 nonspecific. I don't know what that is. It hasn't
25 been noticed to the public.

1 MR. DOUGHERTY: It says, any and all
2 approved uses in the notice. I think we meet that
3 requirement. The applicant meets that requirement.

4 MR. EINGORN: I don't know that any and
5 all approved uses is specific enough to meet the
6 statutory requirement for notice. The neighbors have
7 a right know what the property is going to be used
8 for and what's being requested. So, I would disagree
9 that all available uses --

10 MR. DOUGHERTY: The Board's already
11 approved social meetings and gatherings. So, the
12 public was there. And we're asking for less than
13 that provided it meets with the approved permitted
14 uses under the ordinance.

15 MR. EINGORN: Whether or not it's a
16 lesser of the two, I think is irrelevant to the
17 requirement that you be specific in your notice to
18 let the community know. Maybe you want to consider
19 a one-week adjournment or a one-month adjournment
20 subject to waiving the statutory time limits to
21 discuss this with the Zoning and Planning Office?

22 MR. DOUGHERTY: Mr. Hall, anything else
23 you want to tell the Board?

24 MR. HALL: What is the statutory time
25 limit? Based on what you're saying, you're saying

1 that the public -- the neighborhood would have to
2 know. We sent letters out what we're suppose to do
3 through zoning. We sent all the letters out and we
4 got the letters back. We went through the Courier
5 Post and we posted in the Courier Post. So,
6 everybody that's in that area that we were suppose to
7 do letters and stuff for, we definitely sent that
8 out. We sent those letters and stuff out. They are
9 aware of it.

10 MR. EINGORN: We're not disputing that
11 the public knows that you're here tonight. But what
12 we are suggesting is that the public is not aware
13 specifically of what you're requesting because what
14 you were requesting initially was social gatherings
15 and meetings. And now you're requesting any use
16 which is not specific enough to let the public know
17 what else you may be requesting.

18 MR. HALL: So otherwise --

19 MR. EINGORN: The other issue is that we
20 don't know what other bulk requirements may be
21 necessary for the use you're requesting. We don't
22 know any of those items which may end up coming back
23 before the Board or requiring additional approval;
24 how much parking might be needed based upon the use
25 that's requested. There's a lot of items here that

1 are missing that really make this difficult to weigh.

2 And so what I'm suggesting is, that if
3 you pick a use and take it to the Zoning Officer for
4 a permit for that use, you may be better off in
5 coming before the Board tonight on the Res Judicata
6 issue which is what's currently here.

7 MR. HALL: I have a question for you.
8 The veto that was put out through the Mayor, is there
9 any way possible and I don't know if can you allow
10 that we get a copy of that there letter and the date
11 that it was issued?

12 MR. EINGORN: You certainly can request a
13 copy of the letter from City Hall. I'm not in
14 possession of that letter.

15 MR. HALL: We was told no.

16 MR. EINGORN: Your attorney should be
17 able to advise you as to your rights under the Open
18 Public Records Act.

19 MR. DOUGHERTY: Kyle, would you permit
20 before the Board, a determination whether or not
21 the -- they would like to not deem this Res Judicata
22 and permit the use as previously sought by the
23 applicant?

24 MR. EINGORN: You can certainly go
25 forward with the Res Judicata interpretation question

1 that has been noticed and the Board can weigh in on
2 that if it so believes that it's ripe and ready for a
3 resolution.

4 MR. DOUGHERTY: Mr. Hall, do you mind if
5 I just ask the question? I think it's for the
6 benefit of the members too.

7 Mr. Hall, do you understand that the
8 Board can vote on whether or not they want to
9 continue the Mayor's veto and recognize the legal
10 determination of Res Judicata?

11 MR. HALL: Yes.

12 MR. DOUGHERTY: And would you like the
13 Board to proceed with that vote today?

14 CHAIRMAN HAMILTON: I want to ask you
15 something before you proceed. Now, he got that place
16 over there and he be coming to the Zoning Board like
17 a couple of times. Now, what happened -- are they
18 holding against him what happened years ago about the
19 shooting over there or whatever with the motorcycle
20 people? He wasn't even there.

21 MR. EINGORN: Is that question for
22 me?

23 CHAIRMAN HAMILTON: He wasn't there.

24 MR. EINGORN: Who is the question for?

25 CHAIRMAN HAMILTON: I'm asking you.

1 MR. EINGORN: I don't know why the veto
2 was done. I haven't seen a copy of the letter. And
3 I don't know who is holding what against anybody.
4 All I know is, that there's a legal requirement based
5 upon Res Judicata and they've brought the
6 application. This is ridiculous.

7 MS. ATWOOD: May I speak, please? This
8 is Teresa Atwood. May I speak, please?

9 MR. EINGORN: Yes.

10 MS. ATWOOD: Now, when Mayor -- when we
11 approved this, Mayor Redd vetoed it because of a rape
12 that had occurred and she didn't see where the
13 behavior had changed. Okay? The people were
14 complaining to her and she vetoed it for that reason.

15 Now, the next time it came up, it's my
16 understanding that Mayor Moran vetoed it because
17 there had been a murder there in September, unless
18 I'm mistaken.

19 CHAIRMAN HAMILTON: You said a rape?

20 MS. ATWOOD: Yes. That's why Mayor Redd
21 vetoed it.

22 CHAIRMAN HAMILTON: This is the first
23 time I heard that.

24 MS. ATWOOD: Okay? And the second time,
25 it's my understanding that last September there may

1 have been a murder there. So, I don't know. Okay.
2 That's what I read in the newspaper.

3 MR. COOPER: I have a question. Hey,
4 Kyle, how can we get a copy of this veto as far as
5 the Board members?

6 MR. EINGORN: The Board members? Evita,
7 do we have the ability to distribute the letter to
8 the Board members?

9 MS. DAVIS: I could find the proper way.
10 But as far as the Open Public Record Act, you can put
11 in an OPRA request with the City Clerk Office and my
12 office will provide to whomever through the OPRA with
13 a copy. No one has ever requested a copy from my
14 office. You can't ask nobody on the street; you
15 can't ask your friend. You got to contact the
16 Clerk's Office; put an OPRA request in; and by law, I
17 have to respond.

18 MR. COOPER: I would like to --

19 MR. EINGORN: I would like to see this
20 more than Mr. Cooper as opposed to the applicant. If
21 the applicant would like a copy, Mr. Dougherty can
22 make the appropriate application. I think Mr. Cooper
23 was asking if he could have a copy. I don't know
24 that it really helps us now before this application
25 as we sit.

1 It looks like the Camden County Police
2 Department is in a window here. I don't know if they
3 want to be heard on this application. So, if the
4 applicant has any further testimony or argument,
5 otherwise, we can open this to the public for
6 comment.

7 CAPTAIN BRANDON KERSEY: It's Captain
8 Kersey with the police department. I do want to
9 speak on it. I don't know if this is the time to or
10 should I wait until you proceed?

11 MR. EINGORN: Mr. Dougherty, can you
12 confirm that you've concluded your application?

13 MR. DOUGHERTY: Other than the request
14 that the Board make a determination whether or not
15 Res Judicata should still apply to the current
16 application.

17 MR. EINGORN: Okay. With that in mind,
18 we will open to the public which at this time would
19 leave it open for you to speak.

20 CAPTAIN BRANDON KERSEY: Can you hear me,
21 Attorney, or no?

22 MR. EINGORN: Yes, sir.

23 CAPTAIN BRANDON KERSEY: Good evening,
24 everyone. I'm Captain Kersey with the Camden County
25 Police Department. I'm the commander of the

1 Community Safety Bureau.

2 CHAIRMAN HAMILTON: I'll swear him in.

3 - - -

4 CAPTAIN BRANDON KERSEY, having first been
5 duly sworn, was examined and testified as follows:

6 - - -

7 CHAIRMAN HAMILTON: State your name and
8 address.

9 CAPTAIN BRANDON KERSEY: Captain Brandon
10 Kersey with the Camden County Police Department, 800
11 Federal Street, Camden, New Jersey.

12 MR. EINGORN: Thank you.

13 CAPTAIN BRANDON KERSEY: Mr. Hall,
14 I do want to commend you for joining us, as a
15 community, with the event last year. You are
16 correct, you were out there frontline with us during
17 the march and we do appreciate that.

18 I'm here as the department, the police
19 department just to speak strictly on the public
20 safety concern, community safety concern and just the
21 quality of life concerns to the residents. I won't
22 go into all the crimes that have occurred over the
23 years. As the Chairman said, I specifically don't
24 want to hold anything over your head, especially
25 nothing from years back. But I did hear Ms. Atwood

1 pop up and speak of the homicide last year which
2 there was in September, a double homicide.

3 In reference to the sexual assaults, we
4 did have two there. And I'm not sure if it was the
5 Mayor, about those sexual assaults. Mayor Redd's was
6 the most -- the one that stuck out the most was in
7 2014. I believe that's what Ms. Atwood was speaking
8 of. There's other issues that have occurred at this
9 property. And just from a community safety aspect,
10 we just want to really look closely into the
11 reopening of this property. That's all actually.

12 MR. EINGORN: Thank you.

13 Is there anybody in the public that would
14 like to be heard on this application? Hearing none,
15 we can close the public portion.

16 So, the applicant has requested that the
17 Board go forward and make a ruling as to whether or
18 not Res Judicata applies as to the Mayor's veto
19 regarding the use of this property for social
20 meetings and gatherings.

21 It's my legal opinion that the Board
22 should find that Res Judicata does apply because that
23 is a holding that applies to this property. It is a
24 binding veto under New Jersey Statute. And,
25 therefore, that determination should have been

1 appealed at the appropriate time through the
2 appropriate channels. And this is not that time.

3 And I don't believe that this Board has
4 the authority to act as a Court of Appeals for the
5 Mayor's veto. As such, it would be my legal opinion
6 to the Board that the application should be denied.
7 That's my legal opinion. But it's up to the Board to
8 confirm whether they agree with my legal
9 determination in a discussion and a motion and a
10 vote.

11 REVEREND MARTINEZ: I agree with Kyle.
12 I mean, I think a veto by the Mayor and we've been
13 going through this like a couple of times already.
14 I've been here for a couple years. I suggest we go
15 with you, Kyle. I'll vote no.

16 CHAIRMAN HAMILTON: Yeah. There's
17 nothing we can do. There's nothing we can do.

18 MR. EINGORN: So we have a motion to
19 deny.

20 REVEREND MARTINEZ: Motion to deny the
21 application.

22 MS. ATWOOD: Second.

23 MR. EINGORN: So remember, that when you
24 vote, a yes vote will be in favor of a denial. Not
25 in favor of the application but in favor of denying

1 the application.

2 REVEREND MARTINEZ: Deny the
3 application.

4 MR. EINGORN: So, Chairman Hamilton?

5 CHAIRMAN HAMILTON: There's nothing we
6 can do. No. I vote, yeah. Nothing we can do.

7 MR. EINGORN: Okay. So your vote, in
8 favor denying? Of

9 CHAIRMAN HAMILTON: Yes. What can we do?
10 You're putting it on us. You put everything on us.
11 We can't do nothing.

12 MR. EINGORN: I don't make the decisions.
13 I just give the legal advice.

14 CHAIRMAN HAMILTON: Yeah. But I'm saying
15 we didn't -- at first we didn't deny until you said
16 legal whatever. Okay? But I'm saying, there ain't
17 nothing we can do period.

18 MR. EINGORN: Reverend Martinez.

19 REVEREND MARTINEZ: No.

20 MR. EINGORN: Wait. No, that in --

21 MR. COOPER: It's a yes vote.

22 REVEREND MARTINEZ: I vote no to the
23 decline the application.

24 MR. EINGORN: You want to decline the
25 application?

1 REVEREND MARTINEZ: Yes.

2 MR. EINGORN: So, it's a yes vote because
3 it's a motion to deny.

4 REVEREND MARTINEZ: Yes.

5 MR. EINGORN: Do we have Ms. Washington
6 back?

7 CHAIRMAN HAMILTON: That's why I'm
8 telling you about this ZOOM. I lot of people don't
9 know --

10 MR. EINGORN: It's really --

11 CHAIRMAN HAMILTON: -- what's what.

12 MR. EINGORN: Ms. Atwood.

13 MS. ATWOOD: Yes.

14 MR. EINGORN: Ms. Merricks?

15 MS. MERRICKS: Yes.

16 MR. EINGORN: Mr. Cooper.

17 MR. COOPER: Yes.

18 MR. EINGORN: So, as of right now, we
19 have one, two, three, four, five votes in favor of
20 denial. We can't hear Ms. Washington. But if she
21 can hear us, if she gives us a thumbs-up for a yes or
22 a thumbs-down for a no, I can note that on the
23 record.

24 MS. DAVIS: Kyle, do you need me to call
25 her?

1 MR. EINGORN: I mean, we don't
2 technically need her vote but I feel bad not
3 including her.

4 MS. DAVIS: I'll call. Give me two
5 seconds. Okay?

6 MR. EINGORN: Okay.

7 MS. DAVIS: Kyle, we got to move forward.

8 MR. EINGORN: Okay. The vote doesn't
9 matter so the application is denied, Mr. Dougherty.
10 When I draft the Resolution, you will receive a copy
11 and you can pursue your client's rights at that time.
12 You guys have a nice night.

13 MR. DOUGHERTY: Thanks Kyle.

14 MR. EINGORN: The next application is
15 Peralta Family Properties, LLC. Is the applicant
16 ready?

17 MR. IZZO: We are ready.

18 MR. EINGORN: Mr. Izzo, how are you this
19 evening?

20 MR. IZZO: Good.

21 MR. EINGORN: I'm sorry. I'm having
22 trouble hearing you.

23 MR. IZZO: Christian's iPhone would be my
24 client, Christian Peralta.

25 MR. EINGORN: Okay. Very good.

1 been duly sworn, was examined and testified as
2 follows:

3 - - -

4 MR. IZZO: Mr. Peralta, do you and your
5 family associates own the property at 116 State
6 Street?

7 MR. PERALTA: Yes.

8 MR. IZZO: What is the property being
9 used for right now?

10 MR. PERALTA: Right now it's currently
11 vacant.

12 MR. IZZO: You said it's vacant; is
13 correct?

14 MR. PERALTA: Yes. It's currently, yes.

15 MR. IZZO: Did you consider
16 rehabilitating it as a single-family home?

17 MR. PERALTA: Can you repeat that
18 question?

19 MR. IZZO: Did you consider
20 rehabilitating the property and placing it in service
21 as a single-family residence, a home? Do you
22 consider the feasibility, the possibility of doing
23 that?

24 MR. PERALTA: No. Hello?

25 MR. IZZO: Mr. Peralta, can you hear the

1 meeting and can you see the screen?

2 MR. PERALTA: Yes.

3 MR. IZZO: Are you able to see a picture
4 of your property on the screen at this moment?

5 MR. PERALTA: Yes.

6 MR. IZZO: And which house is yours?

7 MR. PERALTA: Third to the corner.

8 MR. IZZO: And you just testified, that
9 property is vacant presently?

10 MR. PERALTA: Yes.

11 MR. IZZO: What condition is your
12 property in at this time?

13 MR. PERALTA: Well, it's as-is as it was
14 purchased. So, I would you say, not livable.

15 MS. WASHINGTON: Are we talking about 116
16 State Street?

17 MR. PERALTA: Yes, 116 State Street.

18 MS. WASHINGTON: Can you hear me, Mr.
19 Hamilton?

20 CHAIRMAN HAMILTON: Yeah, I can hear
21 you?

22 MS. WASHINGTON: Okay cause I got
23 something to say. I went by there yesterday.

24 CHAIRMAN HAMILTON: Yeah, I know.

25 MR. IZZO: Mr. Peralta, what is our plans

1 for the building? What do you want to do with it?

2 MR. PERALTA: My plan is to convert it
3 into a multi-family house where I can not only better
4 North Camden but like give houses to students since
5 Rutgers College is like a few blocks away. So, I
6 want to make it a conversion into a multi-family unit
7 and basically better the neighborhood.

8 MR. IZZO: Are you able to see a picture
9 of your house on the screen now?

10 MR. PERALTA: I see the side of the
11 street.

12 MR. IZZO: Right. And it shows State
13 Street. That's the street your house is on?

14 MR. PERALTA: State Street, yes. And it
15 shows the house with the black gates.

16 MR. IZZO: Right. And in the background
17 you see the bridge to Philadelphia and very few cars
18 between your house and the bridge?

19 MR. PERALTA: That is correct. There is
20 always parking on weekdays and weekends. The streets
21 are always --

22 MR. IZZO: You recognize the picture of
23 this which is characterized as the rear of your
24 house?

25 MR. PERALTA: Yes.

1 MR. IZZO: There's a cobblestone street
2 there. Do you know the name of that street?

3 MR. PERALTA: I do not know the name of
4 that street, no.

5 MR. IZZO: We're representing that as
6 being Main Street that runs diagonally in back of
7 your house.

8 MR. PERALTA: Main Street. Okay.

9 MR. IZZO: When you're at the premises,
10 do you notice cars parked on Main Street?

11 MR. PERALTA: No. Never.

12 MR. IZZO: And is that a fair picture of
13 Main Street in the back of your house?

14 MR. PERALTA: Yes.

15 MR. IZZO: Mr. Peralta, in addition to
16 those stretches of street, are you aware if there's
17 commercial parking lots in the vicinity of 116 State
18 Street?

19 MR. PERALTA: There is a public parking
20 lot which everybody uses for free right on, I want to
21 say that's State Street. In between State and
22 Delaware Avenue, there's a parking lot there that
23 fits about 150 cars.

24 MR. IZZO: Very good. Can you tell the
25 Board how your projet will make Camden a better place

1 specifically at this part of North Camden? Can you
2 tell them that?

3 MR. PERALTA: Well, sure. I say that
4 like having affordable housing and remodeled houses
5 as well since it needs to get remodeled, it will up
6 the value, up the neighborhood and also expand the
7 college. Because my main goal in this thing is to
8 move -- have students living there and board in there
9 so the neighborhood as well can benefit to that.

10 MR. IZZO: Are you concerned that the
11 street will be overcrowded with cars or the building
12 would be overcrowded with people if your project is
13 built?

14 MR. PERALTA: No, I don't think so.

15 MR. IZZO: Why?

16 MR. PERALTA: Because there's -- like I
17 said, there's always parking there on the weekends
18 and weekdays. There's always parking available. We
19 also have the parking lot there which it's used
20 freely by the public. And also, the chances of the
21 students having a car since it's always -- since it's
22 a small commute from school, housing to school, I
23 don't see them having a car. But if they do have a
24 car, I also don't see trouble with parking cause
25 there's parking available at all times of the day.

1 MR. IZZO: Do you believe it's walking
2 distance from your property over to the Rutgers
3 Campus?

4 MR. PERALTA: Yes, it's walking distance,
5 yes, that's correct.

6 MR. IZZO: I have no other questions for
7 Mr. Peralata.

8 CHAIRMAN HAMILTON: Let me tell you
9 something about parking. It's bad parking all over
10 Camden; all over Camden. You can't stop that about
11 parking. It's bad all over Camden.

12 MR. EINGORN: So, is the applicant aware
13 that there is a fee that is charged when they obtain
14 a parking variance and that fee can be up to \$6,000
15 per space for every variance that you get? So, in
16 this case, it looks like it's been identified in the
17 agenda as needing eight spaces.

18 To the extent you obtain this parking
19 variance for eight spaces, you could be charged,
20 eight times six is, \$48,000 for parking. So, I think
21 you should be advised, one, that this fee does exist.
22 You could be potentially be charged for it to the
23 extent that you obtain the parking variance.

24 In addition, Ordinance Section 577-271,
25 finds that: Threshold from major site plan review,

1 the following categories of site plans for new
2 construction, rehabilitation and additions, fall
3 within the major site plan review threshold:

4 Creation of three or more dwelling units regardless
5 of the number of structures or phases.

6 So to the extent that you obtain a
7 variance you're requesting tonight, you will have to
8 come back pursuant to City ordinance for major site
9 plan review. So those are just two items to be
10 considered by the applicant as he moves forward with
11 this application.

12 MR. IZZO: We appreciate that
13 information. And we would like to obtain the use
14 variance if the Board were inclined to grant it based
15 on Mr. Peralta's testimony.

16 MR. EINGORN: So, does the Board have
17 questions for the applicant before we proceed with
18 public portion?

19 MS. MERRICKS: Yes. I'd like ask, how
20 many apartments do you plan on making inside of your
21 property?

22 MR. PERALTA: Three.

23 MR. COOPER: I have a question. What
24 about the neighbors in the area? Have you talked to
25 them how they feel about four apartments being placed

1 right between them?

2 MR. PERALTA: I have spoken to a few of
3 them, three of them. The one directly next door and
4 to the other side, like the ones that I'm in between
5 of. And I spoke to one across the street as well.
6 The ones that I'm in between, they are apartments
7 already as well. They're three apartments as well
8 both of them right next to me.

9 And the one in front of me is a
10 single-family home which I also talked to her and
11 told her about my plan and she thinks it's a good
12 idea. She just asked me about like just be careful
13 about the tenants and all that. But I told her that
14 I'm more looking forward to rent it to students. So,
15 she actually thinks it's a very good idea since that
16 part of North Camden is up and coming right now.

17 MR. EINGORN: Could you just confirm.
18 You said three apartments but your application says
19 four. Can you confirm what it is you're actually
20 seeking?

21 MR. PERALTA: Sorry. It's four. It is
22 four.

23 MR. EINGORN: It is four?

24 MR. PERALTA: Yes.

25 MR. EINGORN: Thank you.

1 you the exact owner of that property, no.

2 CHAIRMAN HAMILTON: City Hall or
3 something up there.

4 MS. DAVIS: Kyle.

5 MR. EINGORN: Yes.

6 MS. DAVIS: I have Ms. Washington on the
7 phone.

8 MR. EINGORN: I hear it.

9 MS. DAVIS: Ms. Washington, you got to
10 cut your stuff off. Feedback from phone. I can't
11 hear anyway.

12 MR. EINGORN: Any other Board member?

13 MS. DAVIS: Kyle, can you hear her?

14 MR. EINGORN: Can you just relay what
15 she's trying to say because I'm getting a lot of
16 feedback.

17 MS. DAVIS: This ain't working. Kyle,
18 I'm trying to get -- I can't get her to unmute from
19 her cell phone.

20 MR. EINGORN: Even when it says unmute,
21 we can't hear her anyway. Any other Board members
22 would like to --

23 MS. DAVIS: Hold on, Kyle. She's on.
24 Her phone is unmuted.

25 REVEREND MARTINEZ: While we're getting

1 Ms. Washington on the phone, I got a question.

2 MR. EINGORN: I'm sorry, Mr. Martinez,
3 what were you saying?

4 REVEREND MARTINEZ: I was hearing the
5 owner of this property and I know where it is, but
6 for some reason it seems like it's dangerous down
7 there; kids; security. What kind of security are you
8 going to have there?

9 MR. PERALTA: Security in regards to the
10 apartment?

11 REVEREND MARTINEZ: Yes.

12 MR. PERALTA: Aside from it having gates,
13 you mean like a personal security?

14 REVEREND MARTINEZ: Well, somebody is
15 going to look at these houses and you got four
16 apartments. You're going to have a whole bunch of
17 kids running around up and down those apartments
18 going in -- who are used to it today, they're kind of
19 a little bit wild especially in that area. I know
20 the area well since I got friends who live right
21 across from that street.

22 My question is, how are people going to
23 get or how are you going to get informed about
24 situations that happens in that area? Fire escape,
25 how are you going to -- in case there's a fire.

1 Security, what kind of lights are you going to have
2 around that house, that property?

3 These are a lot of stuff that you got put
4 together and let us know cause we used to -- I mean,
5 I'm not going to put nothing that I'm not sure that's
6 not going to put kids in there and something happens,
7 I'll be responsible for allowing the application to
8 pass. I'm not against nothing; don't hold nothing
9 against me. I'm just kind of worried when it comes
10 to kids.

11 MR. PERALTA: Yeah. Sure. That's
12 understandable. That's all in the plans to create
13 fire escape and all that and also to have the correct
14 lighting just in case we do have kids.

15 MR. IZZO: Reverend Martinez was asking
16 you if you're going to have children residing in that
17 building?

18 MR. PERALTA: If I'm going to have
19 children?

20 REVEREND MARTINEZ: I'm asking if you. I
21 know you don't have no kids. But I'm saying,
22 sometimes youths are worse than kids. I got four.
23 And my youngest one is 33 and my oldest son is 41
24 years old. But anyway, I don't got nothing against.
25 I mean, you could, you know, just for the

1 application, if you can prove to us that there ain't
2 going to be no problems in there. We're going to
3 have one or two kids running around that street like
4 crazy, drinking. We were in college once. I know
5 how it goes. So, my worries is that if anything
6 happens there, what neighbors, people that live
7 around there, be safe too and students.

8 MR. PERALTA: Understandable.
9 Understandable, sir. Well, my plan is like I said
10 before, I have a few contacts with the neighborhood
11 to basically get have a communication with everybody
12 in the neighborhood just in case things get a little
13 out of hand, I stay in communication. Because as
14 well, there will be ordinances for tenants that will
15 be living there.

16 MR. EINGORN: Any other questions from
17 the Board?

18 MR. COOPER: Again, I just see --

19 MS. DAVIS: Kyle, I have Henrietta on.
20 Her face is on but she's trying to get on. I'm going
21 to try to get her on.

22 MR. COOPER: I look at this list. A lot
23 of people -- you contacted most of these people on
24 this list? You sent letters to them?

25 MR. PERALTA: Yes. I sent letters to

1 everybody in the neighborhood. Everybody on that
2 list.

3 MR. COOPER: It's kind of hard. We work
4 for the people. Without the neighborhood input, you
5 know -- I can see one, two. You're putting four;
6 four units right top of them. And I think they
7 should have some say on what's going on around there.

8 MR. PERALTA: Sure.

9 MR. COOPER: Yeah, they should have some
10 say.

11 MR. EINGORN: They do. They need to show
12 up tonight and say it.

13 MR. COOPER: Yes.

14 MR. PERALTA: I sent a letter out to
15 everybody out there about the ZOOM meeting and like
16 everything that's been going on.

17 MR. COOPER: Do we have anybody in the
18 public waiting?

19 MR. EINGORN: Evita, we received all the
20 certified receipts as well as the affidavit of
21 publication for this one, correct?

22 MS. DAVIS: Yes. They wouldn't be able
23 to get this far without it.

24 MR. EINGORN: Exactly. So, he's complied
25 with the statutory notice requirements.

1 How about we open to the public. Is
2 there anybody in the public that wants to be heard on
3 this application? And, of course, there's no one.
4 Is Ms. Washington able -- are we able to hear her?

5 MR. PERALTA: Yes.

6 MS. DAVIS: Are you good with it?

7 MS. WASHINGTON: Can you hear me now?

8 MR. EINGORN: Yes, ma'am.

9 MS. DAVIS: Just don't touch nothing,
10 please.

11 MS. WASHINGTON: Okay. Hello, Kyle, how
12 are you?

13 MR. EINGORN: I'm well. Yourself.

14 MS. WASHINGTON: All right. I missed
15 some but we're talking about 116 State Street,
16 right?

17 MR. EINGORN: Yes, ma'am.

18 MS. WASHINGTON: And I was over there
19 yesterday. That porch was full of trash, bags of
20 trash. And the parking lot that he's talking about
21 on the side, like I said, I don't know who it belongs
22 to but it looks like something that belongs to the
23 City but it don't look like a place where
24 anybody can just park there. But my main thing was,
25 I didn't hear what he had said. That porch was like

1 maybe eight or nine bags of trash on the porch. I
2 couldn't see whatever pictures he brought up. Do you
3 hear me?

4 MR. EINGORN: Yes, ma'am. The pictures
5 were just of the property in the area where the
6 streets are to show that there were street parking
7 available.

8 MS. WASHINGTON: Yeah, on the street.
9 Like I said, I was over there yesterday.

10 MR. EINGORN: Do you have any questions
11 for the applicant regarding the proposed project? He
12 wants four apartments.

13 MS. WASHINGTON: Yes. I don't know what
14 pictures you showed, but I would like to ask him,
15 he's bringing this in front us but what about all of
16 those bags of trash on the porch yesterday?

17 MR. PERALTA: Sure. So how are you
18 doing, Ms. Washington? The bags of trash, like I
19 said, I bought the property as is. I don't think
20 there's 89 bags. There might be eight or nine bags.

21 MS. WASHINGTON: Right.

22 MR. PERALTA: Eighty-nine bags might be a
23 little exaggerated but it's just a little cleaning up
24 that we were doing like basically sweeping up.
25 No remodeling has been done or anything like that.

1 MS. WASHINGTON: But I'm saying, if you
2 was around cleaning that up and you bring it and you
3 want to have this and that done, it seemed like you
4 would have cleaned all the trash off of that porch.

5 MR. PERALTA: I just figured since it was
6 the porch and it's gated, as long -- I thought it
7 wasn't trash there or anything like that. So me
8 leaving -- and I also wanted to get like a demolition
9 company once I get approved so I can pay them to
10 throw the trash out since it's not really right to
11 throw that trash out to the City trash can. It's to
12 my understanding that like whatever construction is
13 done or whatever trash is in a house, that it should
14 be trash in a demolition area of property. It should
15 be paid for it to get thrown away.

16 MS. WASHINGTON: All right. That's all,
17 Kyle.

18 MR. EINGORN: Okay. Any other questions
19 or comments from the Board?

20 MS. MERRICKS: Yes. Quick question. You
21 have the four apartments. Then that's three stories,
22 correct?

23 MR. PERALTA: That is correct.

24 MS. MERRICKS: What's your fire escape
25 method for a three-story building?

1 MR. PERALTA: We're planning to put a
2 fire escape through the back.

3 MS. MERRICKS: Okay. Through the back of
4 the building?

5 MR. PERALTA: You have the front and you
6 have a rear exit as well where we're trying to make a
7 connection for everybody to be able to be accessed,
8 the front and back door for the fire escape. So, you
9 have a front and rear exit.

10 MS. MERRICKS: Okay. The downstairs
11 apartments, they're the ones who have the direct
12 access to the back?

13 MR. PERALTA: Yes. But there will be --
14 there's a plan to make everybody accessible to the
15 back.

16 MS. MERRICKS: Okay.

17 MR. EINGORN: The applicant has come
18 before the Board requesting a use variance for a
19 four one-bedroom apartments in a rowhome. You've
20 heard it a few times tonight, the standard for the
21 Positive Criteria requires "Special Reasons" such as
22 whether refusal to allow the project would impose
23 upon the applicant undue hardship and/or whether the
24 proposed project carries out a purpose of zoning.
25 He also has to meet the Negative Criteria. Two

1 elements, whether it can be done without substantial
2 detriment to the public good and without
3 substantially impairing the intent and purpose of the
4 Zoning Plan and Ordinance.

5 As for the bulk variance that the
6 applicant is requesting for off-street parking for
7 eight spaces, the applicant must show a hardship
8 based upon the exceptional narrowness, shape of the
9 property, the topographic conditions or the situation
10 that affects the piece of property.

11 Or that the benefits would outweigh the
12 detriments and that the Zoning Ordinance would be
13 advanced by the deviation, as well as the Negative
14 Criteria that the relief can be granted without
15 substantial detriment to the public good and without
16 impairing the intent and purpose of the Zoning
17 Ordinance. So, the Board should weigh those Negative
18 and Positive Criteria when discussing this
19 application and the Board should make a discussion on
20 the record and then a vote on the application.

21 MR. COOPER: It's not a bad thing what
22 you want us to do here. Again, you know, you say he
23 wants to put college students in there or whatever.
24 I'm okay with putting college students in there. But
25 what happens when they leave? They are there for a

1 semester or for the year or whatever. It just seems
2 like it's a high-traffic area with people moving in
3 and out. I would hate to grant this and then it
4 becomes a rooming house.

5 MR. EINGORN: I think a rooming house
6 implies that there's four separate bedroom units but
7 a shared kitchen area for the four units.

8 MR. COOPER: Right.

9 MR. EINGORN: This is more of an
10 apartment building.

11 MR. COOPER: Yes. Exactly. That's what
12 I'm saying.

13 MR. EINGORN: Since this is an apartment
14 building -- now, this is the R-2 Zone. My
15 recollection is that the uses are allowed in a
16 single-family or a duplex. Obviously, an apartment
17 building is not an allowed use which is why he's
18 before the Board tonight. So, that's something the
19 Board can take into consideration as well.

20 MR. COOPER: Right. Yes. Have two
21 apartments instead of four.

22 CHAIRMAN HAMILTON: Whatever happened --
23 you ain't going to stop them from renting apartments.
24 Whatever happens. Look around Camden. You ain't
25 going to stop them from renting. People say two

1 bedrooms and something like this here. I live in
2 Camden and see people with apartments with lots of
3 people in there. Come on now.

4 MR. COOPER: You're right. You're
5 absolutely right.

6 CHAIRMAN HAMILTON: We wasting time now.
7 Once they get the place, they got it.

8 MS. DAVIS: They have to comply with the
9 Building Bureau and get a Certificate of Occupancy
10 for the amount of units that they are having
11 occupied.

12 CHAIRMAN HAMILTON: Right.

13 MR. COOPER: They got to get a CO?

14 MR. EINGORN: Right. They'll have to
15 comply with all the City Ordinances. They'll have to
16 company with whatever the Fire Marshall has to say.
17 Those will all be conditions of approval that the
18 applicant is going to have to go through in order to
19 finish the construction.

20 CHAIRMAN HAMILTON: Attorney, that's what
21 they say. Okay. I live here, Attorney. You don't.
22 I see people move in, move out, five kids --

23 MR. EINGORN: Of course.

24 CHAIRMAN HAMILTON: -- six kids.

25 Sometimes two. Yeah. He asks what we're doing. You

1 know how Camden is.

2 MR. EINGORN: So, we need a discussion of
3 the Positive and Negative Criteria and then a motion.

4 MR. COOPER: I said what I needed to say
5 so...

6 CHAIRMAN HAMILTON: Me too.

7 MS. ATWOOD: I have a question. I'm
8 sorry. It think I left that paper, a particular
9 paper upstairs. Was there a drawing to show how he
10 plans to break the building up into apartments?

11 MR. COOPER: Yeah.

12 MR. EINGORN: Their A-2 to the
13 application.

14 MS. ATWOOD: Okay.

15 MR. EINGORN: Mr. Izzo, are you able to
16 show A-2, the floor plan?

17 MR. IZZO: We don't have the floor plan
18 on the screen.

19 MR. IZZO: Mr. Peralta, did you submit an
20 architectural plan?

21 MR. PERALTA: Yes, I did.

22 MR. EINGORN: This is what's attached.

23 MR. COOPER: Yes, that's what I have,
24 Kyle.

25 MR. EINGORN: It looks like this is a,

1 and correct me if I'm wrong, Mr. Peralta, this is a
2 one-bedroom on the first floor, two single bedrooms
3 on the second floor and a single bedroom on the third
4 floor. Is that correct?

5 MR. PERALTA: That's correct.

6 MR. EINGORN: And then this would be the
7 roof of the second floor here.

8 MR. PERALTA: That's correct.

9 MR. EINGORN: Do you see that, Ms.
10 Atwood?

11 MS. ATWOOD: No. Let me see if I can
12 change my screen.

13 MR. COOPER: Hey, Kyle. I have a
14 question with this diagram. This diagram looks like
15 it's five units. This diagram looks like it's five
16 units. You do start from the right going to the
17 left. If I'm looking at this diagram correctly,
18 that's one stove there. And then you got another
19 stove in the middle. It's two stoves in the middle
20 and it's two stoves on the far end.

21 MR. PERALTA: It must be a mistake then
22 on the first floor, sir. There should only be one
23 stove on the first floor.

24 MR. COOPER: Oh, okay. But the other two
25 units have --

1 MR. EINGORN: The back stove, the area is
2 labeled living as opposed to kitchen.

3 MR. PERALTA: Exactly. There should only
4 be one stove on the first floor.

5 MR. COOPER: Right. And then you go to
6 the next one, the middle one. How many stoves you
7 got there?

8 MR. PERALTA: The middle one should be
9 two stoves.

10 MR. COOPER: Right.

11 MR. PERALTA: And third floor should be
12 one stove. So, all together, should be four stoves.

13 MR. COOPER: Yeah, but this is not one
14 that's showing us.

15 MR. PERALTA: That's what I'm saying.
16 The first floor, it might be a mistake because there
17 should only be one stove.

18 MR. COOPER: Yeah.

19 MR. PERALTA: Everywhere Mr. Kyle says,
20 it's living. If there's a stove there, that might be
21 a misprint from the architect.

22 MR. COOPER: Until we get this clarified,
23 we can't vote on this until we get this clarified,
24 sir, because this drawing here, it looks like it's
25 five units.

1 MR. EINGORN: It does look like five
2 units and there's two bathrooms on the first floor.

3 MR. PERALTA: We can't do nothing with
4 this drawing. He's going to have to get us better
5 plans.

6 MR. EINGORN: I mean, if we're going to
7 bring the applicant back, I'd also like to see some
8 additional photographs of the parking during
9 different times of the day to confirm that. If you
10 could take a few snapshots during the week, during
11 the morning, noon, night, something like that so we
12 can see what the parking looks like. That would be
13 helpful.

14 MR. IZZO: We consent to continuing.

15 MR. PERALTA: Yes.

16 MR. EINGORN: I think the Board would
17 like to continue this to see updated floor plans to
18 correct whatever is going on in first floor as well
19 as more parking pictures.

20 MR. IZZO: And we waive the time limit to
21 consent to comply.

22 MR. EINGORN: I'm sorry, Mr. Izzo?

23 MR. IZZO: I said, we consent to the
24 continuance and would waive any time limit that would
25 apply.

1 MR. EINGORN: Very good. Thank you.

2 That was my next --

3 MR. PERALTA: Thank you.

4 MR. EINGORN: Thank you, Mr. Peralta.

5 We'll see you next month.

6 The next matter is East Camden Building
7 Company, 126-128 North 34th Street. Is East Camden
8 Building Company here?

9 MR. IZZO: Mr. Attorney, I also represent
10 that applicant. That's Mr. Gabay. He his here.

11 MR. EINGORN: He's back. How are you,
12 Mr. Gabay.

13 MR. GABAY: I also have my partner here,
14 Thomas Bingham.

15 MR. BINGHAM: Hey, guys. How are you?

16 MR. EINGORN: Hello.

17 MR. BINGHAM: I'm trying to start my
18 video here.

19 REVEREND MARTINEZ: What property is this
20 for?

21 MR. GABAY: 126 to 128 North 34th Street.
22 And we submitted an entire, I guess, informative
23 package to you guys. I just want to make sure you
24 each received it because Tom is going to be sharing
25 his screen with you guys presenting.

1 MR. EINGORN: Mr. Izzo, do you have a
2 brief presentation?

3 MR. IZZO: Mr. Gabay is coming to Board
4 with a plot of vacant land that he was able to
5 acquire and he's going to describe how he proposes to
6 develop it. He just has some minor bulk variances
7 that would be required to do his development. He has
8 not been sworn in but he's about to start talking.

9 MR. EINGORN: Mr. Gabay and Mr. Bingham,
10 would you both like to be sworn?

11 MR. GABAY: Yes, please.

12 MR. EINGORN: Chairman Hamilton, are you
13 prepared to swear in the applicants?

14 CHAIRMAN HAMILTON: Yes.

15 MR. EINGORN: If the applicants can raise
16 their right hands, Chairman Hamilton will issue the
17 oath.

18 - - -

19 JONATHAN GABAY, THOMAS BINGHAM, having
20 first been duly sworn, was examined and testified as
21 follows:

22 - - -

23 MR. EINGORN: State your names and
24 addresses for the record.

25 MR. BINGHAM: Sure. My name is Tom

1 Bingham. My address is 900 Haddon Avenue, Suite 201,
2 Collingswood, New Jersey 08108.

3 MR. GABAY: My name is Jonathan Gabay.
4 My address is 110 South 8th Street, Philadelphia, PA
5 19107.

6 CHAIRMAN HAMILTON: You're going in and
7 out.

8 MR. GABAY: Should I do that again?

9 MR. BINGHAM: Mr. Chairman, can you hear
10 me okay? Can you guys hear me as well okay?

11 REVEREND MARTINEZ: I can hear you.

12 MS. WASHINGTON: I can hear you.

13 MR. COOPER: I can hear you.

14 MR. BINGHAM: I'm going to go ahead with
15 the presentation. I understand. I'll try to be as
16 clear and concise as possible given the time line.

17 So, we acquired this vacant lot on 34th
18 Street. And we have some minor variances for depth
19 both depth and side yards and rear-yard deficiencies.
20 So, we have currently proposed a 90-foot total depth
21 and 100 is needed. And we have a 10-foot
22 variance required for the side yard. We have five
23 foot proposed. And the minimum aggregate side yard
24 is 25 foot required. We have 10-foot proposed.

25 So, as I go down through this

1 presentation, you can take a look. We are -- there's
2 a blighted or a lot -- I'm sorry -- right here on
3 34th Street. The home to the left is a 2006 Habitat
4 For Humanity Home. That's going to be our
5 approximate setbacks. So, the whole block was more
6 or less built with those same setbacks and same
7 designs with the exception of that immediate home to
8 the right.

9 So, we're proposing a new construction
10 duplex, side-by-side twin home. So, I'm going to go
11 down here further. The property will have parking.
12 It is a 60-foot by 90-foot deep lot. This is the
13 last non-developed property on this entire block as
14 you can see. It is zoned R-2 residential so our use
15 is conforming.

16 This is the current street view of the
17 lot. You can see it's kind of overgrown and pretty
18 blighted here. This is prior to our ownership by the
19 way. We recently closed on the property so this
20 street view is from the summer. We can assure you
21 that we're taking care of it a little better.

22 Just taking a brief look down the street.
23 As I mentioned, these were all either Habitat or St.
24 Joe's Carpenter Society's homes. Our proposed
25 setbacks are going to mimic these homes to keep with

1 the current look of the block.

2 This is just a quick view of where the
3 lot is. Another property shot looking west towards
4 Merriel Avenue and this is looking east towards
5 Rosedale. This is the project that we're proposing
6 so the twin is two three-bedroom, 1.5 bathrooms;
7 approximately 1500 square feet and three bedrooms on
8 the top floor, living, dining, kitchen and plenty
9 of space for storage.

10 MR. COOPER: I take it this is a slab
11 home?

12 MR. BINGHAM: This is a slab home. It'll
13 actually be on crawl space. So, it'll be a crawl
14 space, not a slab.

15 MR. GABAY: Now, the construction of this
16 home is modular. So, we're actually building it
17 off-site and then bringing it and laying it in four
18 sections on this property. So, we have the
19 foundation and then we are bringing in everything
20 fully approved with every sort of permit, any sort of
21 construction credential that we're going to need for
22 code purposes. That's all being submitted as one
23 permit from this modular company. It's similar to
24 the houses that Habitat did on this block which were
25 modular as well so we're following that same

1 construction.

2 MR. BINGHAM: Yeah. And the home builder
3 is Monsey Homes. They've been in business since
4 1973. They're obviously licensed and insured in New
5 Jersey as well.

6 MR. COOPER: All right.

7 MR. BINGHAM: I'm going to go ahead and
8 go down and just give the proposed setbacks. So this
9 is our current proposed setback. The driveway is not
10 quite to scale. It's going to be a little bit wider
11 than this. We can fit two cars in. But you can see,
12 we have the sideyard is five feet. The front yard at
13 25 feet; the rear yard at 73 1/2 -- or 37 1/2.

14 This is a home that was built by the same
15 builder on 30th & Saunders. It's currently up in
16 Camden. It's how we found out about the builder.
17 The project turned out great. We toured the home and
18 it looks really good. So this is the model we're
19 actually proposing for that site.

20 This is just reviewing the bulk variances
21 required. And that's it. This is a going to be
22 market-rate housing. It's compliant with the
23 neighborhood plans in East Camden. And we're
24 excited. We're excited to test out market-rate
25 housing specifically in East Camden where, you know,

1 there's a lot of blighted land that's ready for
2 development and ready for tax ratables. We can
3 get off-street parking. I think this is going to be a
4 great project for the City and also a great project
5 for the neighborhood.

6 Does anybody have any questions?

7 MR. COOPER: Water runoff because you're
8 so close these houses, five foot.

9 MR. BINGHAM: Sure. Water runoff is just
10 going to be just a basic gutter system just like that
11 is on the current existing homes. And they just
12 basically, they put a gutter system underground to
13 the street and throw it on to the street and allow
14 that to be taken by the sewer system.

15 MR. GABAY: I do want to mention one
16 comment. It was five-foot setback from our lot line.
17 However, I do believe there's an additional setback
18 from our neighbor. So, it's not that we're -- the
19 house building-to-building is going to be five feet.
20 It's five feet to our lot line. Because we have a
21 60-foot wide lot and we're building a 50-foot wide
22 property. So the five-foot difference doesn't mean
23 our neighbor is five feet away from us. It's that
24 our lot line is five feet from it. So it's actually
25 a wider lot line or a wider side yard.

1 MR. EINGORN: Are you able to take the
2 document down so we can see everybody?

3 MR. GABAY: Tom, please stop sharing your
4 screen.

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

7 REVEREND MARTINEZ: He's been good.
8 The man knows his stuff. We've seen him before and I
9 know that he's done a good job in the City and we
10 would like to see him, you know, keep up the good
11 work and keep our residents in a nice section and
12 nice site. Yeah, I'm for it.

13 MR. EINGORN: Hearing no more questions,
14 we'll open to the public. I think the only public
15 remaining is the other applicant. They've been
16 pretty silent tonight so far. It doesn't look like
17 they have anything to add. So, we can close the
18 public portion.

19 As the Board is aware, for a bulk
20 variance approval, the applicant has to show a
21 hardship based upon topographic and narrowness, shape
22 of the lot or a flexible variance where the
23 applicant would be advancing the zoning alternatives
24 through the deviation from the Zoning Ordinance and
25 you weigh the benefits of the detriments.

1 Here the applicant is saying, we're going
2 to make this house look like the other houses on the
3 block. We're going to have the same setback; we're
4 going to do the same type of things that would make
5 this mimic the neighborhood and keep the character of
6 the neighborhood.

7 There's also a Negative Criteria that
8 they could grant this -- you can grant this variance
9 without substantial detriment to the public good and
10 without impairing the intent and the purpose of the
11 Zone Plan. The Board should do a discussion of these
12 Criteria and then propose a motion whether to grant
13 or deny the application.

14 REVEREND MARTINEZ: Motion to grant the
15 application.

16 MS. MERRICKS: I second it.

17 MR. EINGORN: We'll take a roll call on a
18 motion to grant the application for the bulk variance
19 approvals. Chairman Hamilton. He's unavailable.
20 Reverend Martinez.

21 REVEREND MARTINEZ: Yes.

22 MR. EINGORN: Ms. Washington.

23 MS. WASHINGTON: Yes.

24 MR. EINGORN: Ms. Atwood.

25 MS. ATWOOD: Yes.

1 MR. EINGORN: Ms. Merricks.

2 MS. MERRICKS: Yes.

3 MR. EINGORN: Mr. Cooper.

4 MR. COOPER: Yes.

5 MR. EINGORN: Chairman Hamilton, are you
6 there? You're muted, sir. I'm sorry, you're muted.

7 CHAIRMAN HAMILTON: Can you hear me?

8 MR. EINGORN: Yes, sir.

9 CHAIRMAN HAMILTON: I was just telling
10 you right there, I don't like the way this is going
11 like this here. ZOOM, we can't see nothing and
12 talking to people. No, I don't like it period.

13 MR. EINGORN: Okay. Do you want to vote
14 on the motion?

15 CHAIRMAN HAMILTON: No.

16 MR. EINGORN: Abstain?

17 CHAIRMAN HAMILTON: Yes.

18 MR. EINGORN: Okay. Thank you.

19 CHAIRMAN HAMILTON: Well, you know it; I
20 know it; we live here. Everybody on that Board lives
21 here. And the people tell you what they're going to
22 do; how they're going to do it. They don't do that
23 shit, man. I live here.

24 MS. WASHINGTON: Well --

25 CHAIRMAN HAMILTON: Wait a minute. I

1 ain't finished. Two people taking to rent the
2 house. You look the next day, eight people in there.
3 Come on, now.

4 MR. EINGORN: It was five in favor and
5 one abstention which would be enough to grant the
6 motion to approve the bulk variance application.
7 Thank you very much for your appearance tonight.

8 MR. BINGHAM: Thank you, guys.

9 MR. GABAY: Thank you to the entire
10 Board, Board Attorney, thank you Board members.

11 MR. EINGORN: We have one last
12 application tonight. They have been waiting very
13 patiently and I appreciate that.

14 This is Eugenio Ventuna Morales. Is that
15 right?

16 MR. MORALES: Yes.

17 MR. EINGORN: Good evening.

18 MR. AYOUB: Good evening.

19 MR. EINGORN: The appeal for zoning, I
20 don't see an attorney representing you. So, the
21 appeal for zoning is as follows: The applicant is
22 Eugenio Ventuna Morales, 1202 North 26th Street,
23 Camden, New Jersey. The name of the owner of the
24 property is Jack Ayoub; is that right?

25 MR. AYOUB: Yes.

1 MR. AYOUB: My name is Jack Ayoub. My
2 address is 601 N. 3rd Street, Camden, New Jersey.

3 MR. COOPER: Kyle.

4 MR. EINGORN: Yes.

5 MR. COOPER: On this application here,
6 we'll have to agree with my -- we have no pictures.
7 You got to show us something here, man. We got
8 nothing. You just want to go off what they going to
9 tell us?

10 MR. EINGORN: This is tough the way your
11 application without any documentation.

12 MR. COOPER: You're going to have to come
13 back with pictures.

14 MR. AYOUB: Well, it's a well-known site.
15 It's a commercial site. It has always been
16 commercial since they existed. I have plenty
17 parking; more than 30 parking. The use of the
18 property has been always commercial and it used to be
19 a fruits and vegetables in the prior use. And this
20 site, actually 3rd Street --

21 CHAIRMAN HAMILTON: You don't have no
22 pictures.

23 MR. AYOUB: Well, you can Google it and
24 you can see it.

25 MR. COOPER: No, no.

1 CHAIRMAN HAMILTON: You have no pictures
2 here?

3 MR. EINGORN: The problem is, you need it
4 in the record and part of that is for the applicant's
5 own protection. Should somebody decide that they
6 don't like the project and then they appeal, they'll
7 come back and say there was insufficient evidence in
8 the record to grant or deny this application.

9 And, so, while it's cumbersome and
10 ownerness, it's for your own protection as well the
11 information for the Board. So, we're not trying to
12 be difficult but it's also for your own benefit.

13 MR. AYOUB: Well, the -- one more thing
14 before we rule. Any of the Board members know the
15 site; have ever seen the site or familiar with the
16 site?

17 CHAIRMAN HAMILTON: Do you have any
18 pictures?

19 MR. AYOUB: And, also, there is one thing
20 for Mr. Kyle that I want to bring to your attention.
21 Third Street is -- actually North Camden has its own
22 North Camden Plan which has been adopted by the City
23 Council. And 3rd Street --

24 CHAIRMAN HAMILTON: Attorney. Do you
25 have any pictures?

1 MR. AYOUB: I wanted to bring it on the
2 record. That's all.

3 MR. EINGORN: Okay. I think the request
4 here is that you come back with some photographs of
5 the property so that the Board can better weigh what
6 they're looking at and what's going on. I know you
7 guys don't want to come back and that you'd rather
8 have it weighed on tonight. But the Board is going
9 to give you a denial if you don't have the pictures.

10 And I think you'd rather have it weighed
11 on its merits than just get this blanket denial for
12 lack of evidence. So, what we're suggesting to you
13 instead of going forward, is to take the adjournment
14 for next month and come back with pictures, supply
15 them to Ms. Davis and she'll supply them to the Board
16 and then to be able to take a better look at your
17 application next month.

18 MR. AYOUB: That's fine with me.

19 MR. MORALES: That's fine with me.

20 MR. EINGORN: We really appreciate your
21 time tonight. Sorry you had to wait for that.

22 One final issue for the record, actually
23 two. One is the adoption of the Resolutions from
24 February Granting Use and Site Plan Approval for
25 Martha Chavis, Walnut Street, LLC, 417-419 Walnut

1 Street.

2 Evita, do you know who was there last
3 month that can vote on this? I don't have it in
4 front of me.

5 REVEREND MARTINEZ: I was.

6 MS. ATWOOD: I was.

7 MS. DAVIS: We didn't have a meeting last
8 month so I don't have --

9 MR. EINGORN: I mean in February.

10 REVEREND MARTINEZ: I was.

11 MS. ATWOOD: I was.

12 MR. COOPER: I was present.

13 MR. EINGORN: I got it. Do we have a
14 motion to adopt the Resolution from February?

15 REVEREND MARTINEZ: Motion to adopt.

16 MS. ATWOOD: Section.

17 MR. EINGORN: We'll take a roll call.

18 Chairman Hamilton.

19 CHAIRMAN HAMILTON: Yes.

20 MR. EINGORN: Reverend Martinez.

21 REVEREND MARTINEZ: Yes.

22 MR. EINGORN: Ms. Washington.

23 MS. WASHINGTON: Yes.

24 MR. EINGORN: Ms. Atwood.

25 MS. ATWOOD: Yes.

1 MR. EINGORN: Ms. Merricks.

2 MS. MERRICKS: Yes.

3 MR. EINGORN: Mr. Cooper.

4 MR. COOPER: Yes.

5 MR. EINGORN: So moved. And then we need
6 a motion to adjourn.

7 MS. WASHINGTON: Motion to adjourn.

8 MR. COOPER: Second.

9 CHAIRMAN HAMILTON: Hold up. I want to
10 ask you something first. Attorney.

11 MR. EINGORN: Yes, sir.

12 CHAIRMAN HAMILTON: When are we supposed
13 to go back into City Hall.

14 MR. EINGORN: I don't know the answer to
15 that. That's a question for, I guess, the mayor or
16 the zoning office?

17 CHAIRMAN HAMILTON: Yeah, well, find out
18 because it's three feet now instead of 60. Kids are
19 back to school. This here on the ZOOM thing ain't
20 working. We can't see nothing. It ain't working.

21 MR. EINGORN: I agree.

22 CHAIRMAN HAMILTON: And I live here.
23 They keep bringing stuff up on Camden. You know
24 they're going to do what they want to do anyhow.

25 MR. EINGORN; I'm with you. I'm ready to

1 come back into City Hall as well. All in favor to
2 adjourn.

3 THE BOARD: Yays.

4 - - -

5 (**Meeting concluded at 8:57 p.m.**)

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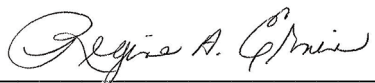
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