

In The Matter Of:
CITY OF CAMDEN
ZONING BOARD

Transcript of Meeting
January 3, 2022

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ZONING BOARD
CITY OF CAMDEN

- - - -

Monday, January 3, 2022

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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 5:30 p.m.

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

ROBERT H. HAMILTON, JR., CHAIRMAN
DARRYL HANCE, VICE-CHAIRMAN
HENRIETTA WASHINGTON
TERESA ATWOOD
KAREN MERRICKS

- - - -

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

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1 MR. EINGORN: Good evening everyone. In
2 conformance with the Sunshine Law of the State of New
3 Jersey, the notice of this meeting was posted in the
4 Municipal Clerk's office on Monday, December 27,
5 2021. By the direction of the Zoning Board of
6 Adjustment Board Chairman, Robert H. Hamilton, Jr.,
7 the City of Camden's meeting will be held tonight
8 January 3, 2022 at 5:30 p.m.

9 Due to the fact that the City of Camden
10 remains under a Declaration of Health Emergency
11 related to COVID-19, City Hall remains closed,
12 therefore, this regularly scheduled meeting is being
13 conducted virtually via remote conferencing platform,
14 ZOOM. Instructions to appear tonight and access this
15 virtual meeting, were posted and can be found on the
16 City of Camden's website at www.ci.camden.nj.us.

17 Let's take a roll call. Chairman
18 Hamilton.

19 CHAIRMAN HAMILTON: Here.

20 MR. EINGORN: Vice-Chairman Hance.

21 VICE-CHAIRMAN HANCE: Here.

22 MR. EINGORN: Reverend Martinez is not
23 present. Henrietta Washington. May or may not come
24 on later.

25 MR. EINGORN: Ms. Atwood.

1 MS. ATWOOD: Present.

2 MR. EINGORN: Ms. Merricks.

3 MS. MERRICKS: Present.

4 MR. EINGORN: Mr. Cooper. No appearance.

5 Tonight we have Reorganization of our
6 Board as we do every year at the beginning of the
7 year. So I would ask that a motion be made to
8 appoint a temporary chairman.

9 VICE-CHAIRMAN HANCE: So moved.

10 MR. EINGORN: Who are we appointing?

11 VICE-CHAIRMAN HANCE: Mr. Hamilton.

12 MR. EINGORN: Very good. Do we have a
13 second?

14 MS. ATWOOD: Second.

15 MR. EINGORN: We'll take a vote. Mr.
16 Hamilton, you can vote for yourself. Chairman
17 Hamilton.

18 CHAIRMAN HAMILTON: Yes.

19 MR. EINGORN: Vice-Chairman Hance.

20 VICE-CHAIRMAN HANCE: Yes.

21 MR. EINGORN: Ms. Atwood.

22 MS. ATWOOD: Yes.

23 MR. EINGORN: Ms. Merricks.

24 MS. MERRICKS: Yes.

25 MR. EINGORN: Very good.

1 Then I need a nomination for chairman now
2 that we have appointed a temporary chairman. Do
3 I have a nomination for a chairman?

4 MS. MUHAMMAD: Kyle, do you want to move
5 forward with the first applicant?

6 MR. EINGORN: We're trying to get through
7 Reorganization right now.

8 CHAIRMAN HAMILTON: So we just got to
9 nominate somebody else?

10 MR. EINGORN: No. You're the temporary
11 chairman for now. We need somebody to nominate a
12 chairman for the rest of the year.

13 CHAIRMAN HAMILTON: I can nominate
14 myself?

15 MR. EINGORN: I'm sorry. Mr. Hance?

16 VICE-CHAIRMAN HANCE: I nominate Mr.
17 Hamilton --

18 MR. EINGORN: Okay. Great.

19 VICE-CHAIRMAN HANCE: -- as chairman for
20 the rest of the year.

21 MR. EINGORN: Do I have a second?

22 CHAIRMAN HAMILTON: I second.

23 MR. EINGORN: We'll take a vote.
24 Chairman Hamilton.

25 CHAIRMAN HAMILTON: Yes.

1 MR. EINGORN: Vice-chairman Hance.

2 VICE-CHAIRMAN HANCE: Yes.

3 MR. EINGORN: Ms. Atwood.

4 MS. ATWOOD: Yes.

5 MR. EINGORN: Ms. Merricks.

6 MS. MERRICKS: Yes.

7 MR. EINGORN: Very good.

8 And now we need an election of a
9 vice-chairman. Do we have a nomination for
10 vice-chairman?

11 MS. ATWOOD: I nominate Mr. Hance.

12 MR. EINGORN: Very good. Do we have a
13 second?

14 CHAIRMAN HAMILTON: I second.

15 MR. EINGORN: Very good. I'll take a
16 roll-call vote. Chairman Hamilton.

17 CHAIRMAN HAMILTON: Yes.

18 MR. EINGORN: Vice-Chairman Hance.

19 VICE-CHAIRMAN HANCE: Yes.

20 MR. EINGORN: Ms. Atwood.

21 MS. ATWOOD: Yes.

22 MR. EINGORN: Ms. Merricks.

23 MS. MERRICKS: Yes.

24 MR. EINGORN: Appointment of secretary --
25 did we do this last month, Evita?

1 MS. MUHAMMAD: No. That was to nominate
2 your firm and a conflicts attorney. We have to go
3 through this formality.

4 MR. EINGORN: So appointment of Evita
5 Muhammad as secretary. Do we have a motion?

6 VICE-CHAIRMAN HANCE: So moved.

7 MR. EINGORN: Second?

8 MS. ATWOOD: I second.

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

11 CHAIRMAN HAMILTON: Yes.

12 MR. EINGORN: Vice-Chairman Hance.

13 VICE-CHAIRMAN HANCE: Yes.

14 MR. EINGORN: Ms. Atwood.

15 MS. ATWOOD: Yes.

16 MR. EINGORN: Ms. Merricks.

17 MS. MERRICKS: Yes.

18 MR. EINGORN: Great. I think we did
19 these other two last month, did we not?

20 CHAIRMAN HAMILTON: We did something last
21 month.

22 MS. MUHAMMAD: We did but it was worded
23 in a different -- it wasn't an appointment. It
24 was -- I don't know if it was nominated or something
25 like that but it wasn't appointed.

1 MR. EINGORN: Okay. Do we have a motion
2 to appoint my firm, Dembo, Brown & Burns, LLP as the
3 Board Attorney?

4 VICE-CHAIRMAN HANCE: So moved.

5 MR. EINGORN: Second?

6 MS. ATWOOD: Second.

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

9 CHAIRMAN HAMILTON: Yes.

10 MR. EINGORN: Vice-Chairman Hance.

11 VICE-CHAIRMAN HANCE: Yes.

12 MR. EINGORN: Ms. Atwood.

13 MS. ATWOOD: Yes.

14 MR. EINGORN: Ms. Merricks.

15 MS. MERRICKS: Yes.

16 MR. EINGORN: So moved. And then
17 appointment of Conflicts Attorney, CGO Law, PC. Do
18 we have a motion?

19 MS. ATWOOD: So moved.

20 MR. EINGORN: Second?

21 VICE-CHAIRMAN HANCE: Second.

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

24 CHAIRMAN HAMILTON: Yes.

25 MR. EINGORN: Vice-Chairman Hance.

1 VICE-CHAIRMAN HANCE: Yes.

2 MR. EINGORN: Ms. Atwood.

3 MS. ATWOOD: Yes.

4 MR. EINGORN: Ms. Merricks.

5 MS. MERRICKS: Yes.

6 MR. EINGORN: So moved.

7 And then do we have a motion to approve
8 the minutes from December 2021?

9 CHAIRMAN HAMILTON: I so move that the
10 minutes be approved.

11 MR. EINGORN: Second?

12 VICE-CHAIRMAN HANCE: Second.

13 MR. EINGORN: I'll take a roll-call vote.
14 Chairman Hamilton.

15 CHAIRMAN HAMILTON: Yes.

16 MR. EINGORN: Vice-Chairman Hance.

17 VICE-CHAIRMAN HANCE: Yes.

18 MR. EINGORN: Ms. Atwood.

19 MS. ATWOOD: Yes.

20 MR. EINGORN: Ms. Merricks.

21 MS. MERRICKS: Yes.

22 MR. EINGORN: Very good.

23 So in addition to the items on New
24 Business tonight, there is a pending application at
25 1700 Admiral Wilson Blvd. The applicant at 1700

1 Admiral Wilson Blvd. has asked for an adjournment
2 from this month to February 7, 2022. So if you're
3 here tonight for that matter, that application has
4 been adjourned.

5 This is the only notice of that
6 adjournment. They have properly noticed for prior
7 application meeting nights and, therefore, this is
8 the official notice of the adjournment of that
9 application. If you're here for that and you wish to
10 leave, you're free to leave. You're also free to
11 stay.

12 MS. MUHAMMAD: Kyle, for the record, I
13 want to say Ms. Henrietta is on. She's that phone
14 number down at the bottom, 4665.

15 MR. EINGORN: Great. Good evening, Ms.
16 Washington.

17 MS. WASHINGTON: Hi, Kyle, how are you?

18 MR. EINGORN: Very good. How are you?

19 MS. WASHINGTON: I'm doing pretty well.

20 MR. EINGORN: So the first matter of New
21 Business, Yordanka Guiliarte, did I pronounce that
22 correctly? Mr. Wilson, that's your matter?

23 MR. WILSON: I'm sorry. I had trouble
24 hearing you.

25 MR. EINGORN: Sorry. Are you appearing

1 tonight for Yordanka Guiliarte, 1909 Filmore Street?

2 MR. WILSON: Yes.

3 MR. EINGORN: Very good. I'll mark you
4 present.

5 Jose Olavarria, is that matter ready? I
6 need somebody to speak up and announce their
7 presence.

8 MR. OLAVARRIA: Yes. Here. Present.

9 MR. EINGORN: Are you Jose?

10 MR. OLAVARRIA: Yes.

11 MR. EINGORN: All right. Very nice to
12 meet you.

13 MR. OLAVARRIA: Same here.

14 MR. EINGORN: Functional Games Apparel,
15 333 Kaighn Avenue.

16 MR. ROBINSON: Yes. Present.

17 MR. EINGORN: Good evening.

18 MR. ROBINSON: Good evening.

19 MR. EINGORN: Mr. Robinson, a couple of
20 questions for you.

21 MR. ROBINSON: Yes. Certainly.

22 MR. EINGORN: Are you an attorney?

23 MR. ROBINSON: No.

24 MR. EINGORN: Is Functional Games
25 Apparel, that's a business?

1 MR. ROBINSON: Yes. It's an LLC.

2 MR. EINGORN: Are you a sole owner of the
3 LLC?

4 MR. ROBINSON: Yes, I'm a sole owner.
5 Manager.

6 MR. EINGORN: Generally, a business,
7 limited liability company or corporation requires
8 representation by counsel to appear. If you can
9 represent to me and provide documentation that this
10 is a sole ownership and you operate this as a, I
11 guess, a sole proprietorship, some kind of
12 pass-through entity, we can let you appear. The
13 other issue is, I believe Functional Games Apparel
14 leases this property; is that correct?

15 MR. ROBINSON: Correct.

16 MR. EINGORN: Do you have consent of the
17 owner to bring this application? I didn't see it
18 with my stuff?

19 MR. ROBINSON: Yes.

20 MR. EINGORN: Did you provide anything to
21 that affect?

22 MR. ROBINSON: Yes. We submitted the
23 lease. It's in our lease.

24 MR. EINGORN: It is in the lease?

25 MR. ROBINSON: Yes, sir.

1 MR. EINGORN: I don't have a copy of the
2 lease in my packet. I haven't seen that so we'll
3 have to confirm that. For the record, although we do
4 have five members, for your application, Mr.
5 Robinson, one of our members has a conflict and
6 cannot hear your matter. So without five members,
7 we're going to have to ask to adjourn you until the
8 next date so that we can get an additional member.
9 So we just don't have enough.

10 You need five affirmative votes in order
11 to get a use variance. We only have four members
12 that are available to vote on your application. So I
13 apologize to you that we don't have enough members
14 tonight, but it's kind of a victim of circumstance.

15 MR. ROBINSON: And let me ask, what is
16 the procedure in terms of -- this is adjourned. That
17 means that it would have to be rescheduled. Who is
18 responsible for notice?

19 MR. EINGORN: Your notice will given
20 tonight on the record so you wouldn't have to give
21 additional certified or publication.

22 MR. ROBINSON: Okay.

23 MR. EINGORN: For the record, Ms.
24 Washington is a Board member of the owner of the
25 property and, therefore, cannot sit as a Board member

1 tonight to hear your application. And because of
2 that conflict, we don't have enough voting members.
3 So I apologize to you for that.

4 But for anybody who appeared tonight for
5 Functional Games Apparel, 333 Kaighn Avenue, that
6 matter will be rescheduled for next month which is
7 February 7, 2022. So, again, no further notice will
8 be provided of this adjournment to February 7th for
9 Functional Games Apparel. Mr. Robinson, I apologize
10 to you for the inconvenience but we'll see you in
11 February.

12 MR. ROBINSON: Thank you.

13 MR. EINGORN: You're welcome. You're
14 welcome to stay if you'd like to observe, otherwise,
15 you're free to go.

16 MR. ROBINSON: Thank you.

17 MR. EINGORN: Sure.

18 With that said, why don't we take the
19 first matter, Yordanka Guililarte. I'm sorry if I'm
20 butchering that.

21 MR. WILSON: John Wilson appearing on
22 behalf of the applicant.

23 MR. EINGORN: Great. Do you want to have
24 your client sworn?

25 MR. WILSON: Yes.

1 MS. GUILIARTE: My name is Yordanka
2 Guiliarte.

3 MR. EINGORN: Please raise your right
4 hand.

5 MS. GUILIARTE: Yes.

6 - - -

7 YORDANKA GUILIARTE, having first been
8 duly sworn/affirmed, was examined and testified as
9 follows:

10 - - -

11 MR. EINGORN: If you can just state your
12 name and address for the record?

13 MS. GUILIARTE: My name is Yordanka
14 Guiliarte. My address is 1909 Filmore Street,
15 Camden, New Jersey 08104.

16 MR. EINGORN: Thank you. Mr. Wilson, are
17 you ready to proceed?

18 MR. WILSON: Thank you. Ms. Guiliarte,
19 describe the neighborhood to the Board. You have to
20 speak so that they can hear you.

21 MS. GUILIARTE: I can describe my company
22 or describe my --

23 MR. WILSON: The neighborhood.

24 MS. GUILIARTE: I've lived in Camden for
25 22 years. I moved here with my daughter when she

1 three months old. I love -- even though there is no
2 perfect space safety area to live, I just love my
3 home. I love my neighbors.

4 MR. WILSON: Describe the neighborhood.
5 The Board probably knows your neighborhood but they
6 need to hear you describe what houses are there; what
7 are they like?

8 MS. GUILIARTE: Okay. Most of the houses
9 are -- well, a long time ago all houses were vacant.
10 And then the church buy -- I think it's one
11 association with the church having bought a lot of
12 properties especially on my street on Filmore and
13 they started building and renewed all the properties.
14 They started taking houses and rebuilding and re-sell
15 it. And now a couple of houses on my street started
16 being like -- seemed to get more pretty like changed
17 the neighborhood just a little bit; changes my
18 street.

19 MR. WILSON: Now, are they all
20 single-family houses or are they attached to each
21 other?

22 MS. GUILIARTE: No. Their houses are
23 attached together. Only their houses. Most of the
24 houses on my street are houses that aren't attached
25 together.

1 MR. WILSON: Now, the Board said that
2 your property needs variances because it's not big
3 enough.

4 MR. EINGORN: Mr. Wilson, can you just
5 describe what the applicant is seeking to do with the
6 property and what the variances you're here for
7 tonight?

8 MR. WILSON: My client wants to add -- if
9 you look at the property, to the right she wants to
10 add a sunroom. To the left, she wants to put an
11 addition. That would be two rooms and then a
12 garage. The side yards where 10 feet is required,
13 she's asking for permission to only have 4 feet.

14 Where the lot coverage is suppose to be
15 60 feet, she's asking for 75 feet. The front yard
16 setback, what's required is 10 feet, she's asking for
17 one section to be 8 feet and the very front, 4 feet.

18 The lot -- the zoning is required 100
19 feet. Her lot is only 90 feet. She can't add the
20 other 10 feet. She's asking for a fence variance so
21 that she can have a 4-foot high fence along Hadley
22 Street. And she's asking for that to be a solid
23 fence. And she'll produce testimony as to why that
24 is reasonable.

25 MR. EINGORN: She wants a 4-foot high

1 fence or --

2 MR. WILSON: Yes.

3 MR. EINGORN: -- or she wants a 6-foot
4 high fence?

5 MS. GUILIARTE: Well, in the front I only
6 want to keep the -- in the front of my property, I
7 just want to keep the four because everybody has
8 four. I just don't want to in my front yard. In the
9 front everybody has four. I don't want to just
10 create this unbalance. I don't know if my wording is
11 correct. I don't want to create this unbalance and
12 my home looks like different than the rest of the
13 property on the street. But on the backyard, I ask
14 him to put the 6-foot fence especially on the back
15 part of the house and around the house.

16 MR. WILSON: Why are you asking for that
17 6-foot fence?

18 MS. GUILIARTE: Okay. I just want to --
19 even though you aren't asking for that question, I
20 just want to explain that, a long time ago I buy this
21 property, every one single. I took me too many years
22 of working to put all these houses together. All
23 these lands are vacant. And for 13 years, it took me
24 to do all the processes on the City of Camden. I
25 asked to buy the property; I go to foreclosure; I go

1 to lawyers; I claim the title; I do too many things
2 to have every individual.

3 One of the lands that is right there is
4 vacant for 20 years. They have too many problems
5 with the owners and previous owners like with so many
6 stuff. I clean all this. And after I have all these
7 cleaned, I create like a space. I put all the
8 properties together in one.

9 Then I take care of my mom even though
10 she has Alzheimer's and she has difficulty moving up
11 and down. That's one of the reasons why I want to
12 create just a room for her that's more accessible for
13 her. And that way she don't need to go upstairs and
14 downstairs because she already have one stroke and
15 it's too hard for me to move her around the house.
16 That's one of the reasons that I want to build a room
17 for her and know the size opening for her to sit down
18 outside but at the same time in. I feel that she's
19 sitting outside but at the same time, she's sitting
20 inside the property.

21 Why I want a fence in the back?

22 MR. WILSON: Ma'am, you cannot coach your
23 mother.

24 MS. GUILIARTE: My English is, you know,
25 sometimes -- I try to build up my English. Now, why

1 I need a 6-foot fence high because in the back of my
2 property it is no safety. In back of the house which
3 they built a long time ago, is a museum but now it's
4 people using it to walk through. And they opened a
5 big hole for people to take chips out. They are
6 building chips in the back of my home and they open
7 the hole to put the chips in and put the chips out.

8 And then the homeless use the back of the
9 house, using this hole for sleeping and create places
10 to sleep. Every night, basically every two to three
11 nights, the ambulance is right there. People dying,
12 shooting, overdosing, screaming, jumping into the
13 yard, knocking on the door because they're confused.

14 And that's one of the reasons that I want
15 to have the back covered. And then like also, like
16 two to three weeks ago, they put a building on fire.
17 And we had to go out and buy fire extinguishers and
18 extinguish the fire because there are people at night
19 walking through. Because on the other side is
20 Broadway and there's a park that is open. And that's
21 what people uses to walk through at night.

22 MR. WILSON: Now, I'm going show them
23 this picture. Before I do that, tell them what this
24 picture is?

25 MS. GUILIARTE: This is the front of my

1 property.

2 MR. EINGORN: Let the record reflect that
3 Mr. Wilson is showing a photograph of the property.

4 MR. WILSON: As you look at the
5 property, I told them that you wanted to put what I
6 refer to as a sunroom?

7 MS. GUILIARTE: Yes.

8 MR. WILSON: Where would that be looking
9 at the picture, to the right or to the left?

10 MS. GUILIARTE: To the right side you
11 see -- I don't know how they look like on the left.
12 I put the fingers like -- like this little side -- I
13 don't know if they can see. This little side right
14 here, I'm building a sunroom. And to this side right
15 here, is just a room, the two rooms with the garage.
16 And the garage, because Filmore is a small street and
17 I just want to create like the parking and move my
18 car from the street.

19 Sometimes at night, it's very difficult
20 to park. On the side of my home is no parking.
21 People use the sidewalk for parking. And I want to
22 create like one parking. I want to create -- I want
23 to just create parking. Parking is tough for me on
24 my property but I also provide a space for all the
25 people on the street; more space for people on the

1 street to use parking.

2 MR. WILSON: So if the Board approves
3 your application, you'll take two cars off the street
4 and put them in the garage?

5 MS. GUILIARTE: Yes.

6 MR. WILSON: And that would give more
7 on-street parking for other people?

8 MS. GUILIARTE: Yes. Correct.

9 MR. WILSON: Now, I'm going to show them
10 this picture.

11 MS. GUILIARTE: This is the side of the
12 of the garage.

13 MR. WILSON: This is where you want to
14 build two rooms that would be like behind each other.
15 And then on the outside would be the two-car garage?

16 MS. GUILIARTE: Yes.

17 MR. WILSON: What is this?

18 MS. GUILIARTE: This is my home inside.

19 MR. WILSON: Tell the Board what this
20 shows?

21 MS. GUILIARTE: This is just my home
22 inside. This one shows more. I'm just working very
23 hard. I just cleaned the whole yard. I'm working
24 super hard to clean all the yard; to remove all the
25 debris that they have right there. I have like seven

1 layers of carpets on top of the carpets, on the top
2 of the carpets, on top of the carpet and rocks. And
3 that's what they look like from inside to outside.

4 MR. WILSON: And where is this on the
5 property?

6 MS. GUILIARTE: This is the property that
7 I tried to cover from the back of the street. That's
8 the church that I was talking about that people used
9 to walk and sleep right there at night.

10 MR. WILSON: Now, tell the Board what you
11 think -- what improvement -- if they approve this,
12 what improvement would there be to the community?

13 MS. GUILIARTE: I imagine -- I just --
14 create -- I don't know. I just want people -- I just
15 want to -- I don't know -- I just people to feel like
16 that they can do -- that they can keep the area
17 clean. I'm just working so hard. I just want them
18 to feel like -- I don't know. I just have the
19 criteria --

20 MR. WILSON: When we were talking before
21 the Board started, you were telling me about the
22 house across the street. Tell the Board about what
23 happened?

24 MS. GUILIARTE: The neighbor?

25 MR. WILSON: Yes.

1 MS. GUILIARTE: I have one of my
2 neighbors that she just said that before she bought
3 the house, she just came every -- she just spent like
4 a couple of hours sitting in front of our yard
5 waiting and then she sees us working. I love to work
6 in the summertime. I'm building all my garden and
7 clean my property and she's just watching us. I
8 would be planting flowers and she said that one of
9 the reasons that she moved here in front of my house
10 is because she likes the way that we just keep the
11 house and she wants to be like us.

12 MR. WILSON: Because it was an
13 improvement to the neighborhood?

14 MS. GUILIARTE: Yes. Because she say,
15 now I can see that I can live right there. She knows
16 the area before. That's why she see it a couple of
17 times because she's not sure until she see us by
18 walking and try to do cleaning and do this. And
19 that's one of the reasons that she said, I'm moving.
20 And that's one of the reasons.

21 I just want to do something -- I just
22 want to feel like my own home. And most of the
23 people when they say, why don't you move? I don't
24 move. I love it here. I've been here 22 years.
25 I just want to see my home the way that it is, nice.

1 I just want to keep -- I love my home. I just want
2 to create something a little more pretty all the
3 time. I'm working very hard on my yard. Keep my mom
4 happy. That's it. I just only want the little room
5 for my mom and make her feel comfortable. That's
6 all.

7 MR. WILSON: Does the Board have any
8 questions?

9 MR. EINGORN: I got a couple of
10 questions. I'm looking at the plan that was
11 provided, and I'm looking at the denial letter dated
12 July 19, 2021. On the denial letter, No.3, it says,
13 front yard setback is deficient on two-room
14 additions. Ten feet required. It says, 8 feet and 4
15 feet proposed.

16 I'm looking at the plan. Can you confirm
17 the setbacks because it looks like the setbacks
18 differ from the plan than what's in the denial
19 letter. Has this plan changed since the application
20 was submitted?

21 MR. WILSON: I believe the plan was
22 changed to as much as possible, to accommodate the or
23 correct the denials.

24 MR. EINGORN: Okay. So No.3, front yard
25 setback, it says in the denial letter, 8 and 4 feet.

1 Can you confirm that where it relates to the enclosed
2 patio, the setback would be 18 feet?

3 MR. WILSON: Yes.

4 MR. EINGORN: And as it relates to the
5 garage, the setback would be 20 feet?

6 MR. WILSON: Yes.

7 MR. EINGORN: And the setback to the
8 bedroom addition would be 15 feet; is that correct?

9 MR. WILSON: Yes.

10 MR. EINGORN: And that would comply with
11 the 10-foot requirement set forth in paragraph 3 of
12 the denial letter?

13 MR. WILSON: Yes. The only -- because of
14 the change of the plan, the only dimension that
15 doesn't comply is the 8 1/2 feet which is an existing
16 to the existing front porch.

17 MR. EINGORN: Right. Okay. And then
18 you would still need the lot depth which is deficient
19 10 feet, correct?

20 MR. WILSON: Yes.

21 MR. EINGORN: The garage setback is 5
22 feet. The garage setback is not 5 feet. It's really
23 the patio that will be 5 feet -- or 4 feet -- I'm
24 sorry --

25 MR. WILSON: Four feet.

1 MR. EINGORN: -- that side yard setback.
2 This is really -- I'm sorry. I'm just -- this is
3 patio setback. And it says, outside hallway on the
4 plan. Is that going to be a grassy area?

5 MR. WILSON: Yes.

6 MR. EINGORN: And there will be a gate to
7 access that as set forth on the plan?

8 MR. WILSON: Yes.

9 MR. EINGORN: And we've confirmed that
10 the fence height along Hadley will be 4 feet,
11 correct?

12 MR. WILSON: Correct.

13 MS. GUILIARTE: We don't have a fence --

14 MR. EINGORN: That will be a solid fence
15 along the frontage or no?

16 MR. WILSON: No. Any fence on the front
17 would be the existing chain link fence. The only
18 solid fence would be to the rear of the property.

19 MR. EINGORN: All right. Were you able
20 to confirm the actual percentage of the impervious
21 coverage?

22 MR. WILSON: I was not able to do that
23 myself. But based on the research and the help that
24 my client was able to get, the coverage is --

25 MR. EINGORN: Would the applicant agree

1 that they need the bulk variance for the coverage?

2 MR. WILSON: Yes.

3 MR. EINGORN: And then the solid fence
4 would only go around the back and the sides of the
5 property?

6 MR. WILSON: Correct.

7 MR. EINGORN: Okay.

8 MR. EINGORN: I have no further
9 questions. Does the Board have questions for the
10 applicant?

11 CHAIRMAN HAMILTON: No.

12 MR. EINGORN: I'm not hearing any
13 questions. So maybe we should open it up to the
14 public. Is anybody in the public here for or against
15 the application currently being heard before the
16 Board at 1909 Filmore Street? Nobody has spoken up
17 from the public regarding this application so the
18 public portion will be closed.

19 Now is the time for the Board to do its
20 analysis of the Positive and Negative Criteria
21 relating to the requested bulk variances. This is an
22 application to add multiple additions to this
23 property both to the right side of the property for
24 an enclosed patio, as well as the left side
25 of the property for multiple bedrooms and a garage.

1 The applicant is going to exceed the
2 impervious coverage. The applicant is going to
3 encroach into the setbacks and requires bulk
4 variances for the setbacks on the side yards,
5 8 1/2 feet on one side, 4 feet on the other. The
6 applicant has changed their plans to comply with the
7 front yard setback requirements.

8 The lot depth is deficient, though it was
9 deficient prior to so that would be a pre-existing
10 nonconforming condition. The patio setback is
11 deficient as it's disclosed. It's a 4 feet setback
12 on the side. The applicant is seeking a fence
13 variance for the back and sides for a solid fence,
14 although will comply with the 4 feet along the
15 frontage of Hadley Avenue agreeing that it is a
16 pre-existing chain link fence.

17 Does the Board have any discussion of the
18 Positive and Negative Criteria?

19 CHAIRMAN HAMILTON: The fence is 6 foot,
20 right?

21 VICE-CHAIRMAN HANCE: Yes.

22 MR. EINGORN: Six foot along the back and
23 the sides. Four feet along the frontage.

24 CHAIRMAN HAMILTON: Okay.

25 VICE-CHAIRMAN HANCE: I think it's

1 positive. I actually live right behind her house.
2 I'm on Broadway. So that street definitely needs a
3 facelift back there. Is that going to be all one
4 floor or is it going to be a second floor, the
5 garage?

6 MS. GUILIARTE: Only to the first floor.

7 VICE-CHAIRMAN HANCE: Okay. So it's more
8 like a rancher-style?

9 MS. GUILIARTE: Yes. The second floor
10 stays the same. We only do adding on the first
11 floor.

12 VICE-CHAIRMAN HANCE: And the garage,
13 that will be behind your house where you park your
14 cars?

15 MS. GUILIARTE: No.

16 VICE-CHAIRMAN HANCE: Or are you going
17 through the front?

18 MR. WILSON: The garage would be --
19 looking at the property, the garage would be to the
20 left outside of the living space addition.

21 VICE-CHAIRMAN HANCE: So is the garage
22 connected to the house?

23 MR. WILSON: Yes.

24 VICE-CHAIRMAN HANCE: I think it's a
25 great idea. Any time someone wants to fix their

1 property up, hopefully the whole neighborhood follows
2 in suit because like I said, it's time. It's way
3 past due.

4 MS. MERRICKS: I think it's a positive
5 thing. And I'm piggybacking off of what you said, it
6 would give other neighbors the opportunity and the
7 vision to want to do the same so we can beautify our
8 community and bring it back to what it was. I think
9 it's a great idea and it promotes home ownership. I
10 think it's a great idea.

11 MR. EINGORN: If there's no further
12 discussion, we can entertain a motion to grant or
13 deny the application for bulk variance approvals.

14 MS. ATWOOD: Motion to approve.

15 MR. EINGORN: Second?

16 VICE-CHAIRMAN HANCE: Second.

17 MR. EINGORN: Very good. I'll take a
18 roll-call vote. Chairman Hamilton.

19 CHAIRMAN HAMILTON: Yes.

20 MR. EINGORN: Vice-Chairman Hance.

21 VICE-CHAIRMAN HANCE: 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: Very good. Having five in
4 favor and none opposed, the motion is granted.
5 Congratulations. Thank you, Mr. Wilson. It was nice
6 to see you and happy New Year.

7 MS. GUILIARTE: Thank you so much.

8 MR. EINGORN: The next matter is Jose
9 Olavarria, 1428 Baird Boulevard. I'll swear the
10 applicant in. Raise your right hand to be sworn.

11 MR. OLAVARRIA: Okay.

12 - - -

13 JOSE OLAVARRIA, having first been duly
14 sworn/affirmed, was examined and testified as
15 follows:

16 - - -

17 MR. EINGORN: State your name and address
18 for the record, please.

19 MR. OLAVARRIA: My name is Jose
20 Olavarria. I live at 1428 Baird Boulevard.

21 MR. EINGORN: Very good. Since the
22 applicant is pro se, meaning that he does not have an
23 attorney so I'll read the appeal for zoning into the
24 record.

25 The applicant is the owner of the

1 property which is located in an R-2 zoning district
2 with a frontage of 47.48 feet on Baird Avenue, or I'm
3 assuming it's Baird Boulevard, with a depth of
4 65 feet -- 65.66 feet. There are two buildings on
5 the lot. One is a two-story home and the other is a
6 garage. It's a residential. And the applicant is
7 seeking to replace an existing damaged porch roof
8 with new roof deck leading from master bedroom.

9 The zoning officer denied the permit
10 because decks and porches shall not be higher than 6
11 feet above grade and shall be allowed only on the
12 first floor. So a bulk variance and use variance may
13 be needed if the height exceeds the maximum allowed.
14 And the applicant has stated that the existing porch
15 roof must be replaced due to severe water leaking and
16 wood damage. The additional roof deck would enhance
17 the appearance and use of the home, as well as
18 keeping the same appearance similar to porch roofs in
19 the immediate proximity.

20 Does that sound about accurate, sir?

21 MR. OLAVARRIO: Yes.

22 MR. EINGORN: Great. Is there anything
23 else you want to tell us? Can you tell us --
24 actually, can you tell us about your roof deck?

25 MR. OLAVARRIA: When I purchased the

1 house, I remodeled the whole house. And I fixed that
2 roof which started leaking. Me and my wife were
3 talking about-- we decided to do plan for a deck
4 since we're replacing the roof. We decided to do a
5 deck coming right out of our room. That's what we
6 plan to do. I want to increase the volume to my
7 house which would allow the City to get more money in
8 taxes too.

9 MR. EINGORN: So is there already a deck
10 on the roof now?

11 MR. OLAVARRIO: No.

12 MR. EINGORN: So you want to replace the
13 roof and add the deck at the same time?

14 MR. OLAVARRIO: Yes.

15 MR. EINGORN: Did you say that there's
16 other houses in the neighborhood with roof decks?

17 MR. OLAVARRIO: Yes. 1408 has a roof
18 deck and it's the same height.

19 MR. EINGORN: And how high would the roof
20 deck be off the ground?

21 MR. OLAVARRIO: It would be 15 feet,
22 6 inches.

23 MR. EINGORN: Fifteen feet, 6 inches off
24 the ground?

25 MR. OLAVARRIO: Yes.

1 MR. EINGORN: So you would need a use
2 variance for that. Let me ask you this. How close
3 are you to your neighbors?

4 MR. OLAVARRIO: How close? From the
5 houses?

6 MR. EINGORN: Yes.

7 MR. OLAVARRIO: My neighbor is from my
8 porch, maybe about 15 to 20 feet away.

9 MR. EINGORN: If I'm looking at your
10 front door from street, how far are you from your
11 neighbor to the right?

12 MR. OLAVARRIO: From my right like 15 to
13 20 feet.

14 MR. EINGORN: What about the neighbor to
15 the left?

16 MR. OLAVARRIO: To my left, I don't have
17 no houses.

18 MR. EINGORN: No houses to the left.
19 What about to the rear?

20 MR. OLAVARRIO: My rear is my neighbor's
21 yard.

22 MR. EINGORN: So your house goes right up
23 against your neighbor's house?

24 MR. OLAVARRIO: Well, it doesn't go
25 against. It's attached like my fence to his yard.

1 Like on back of my garage, that's where his yard is.

2 MR. EINGORN: Okay. So how far would the
3 deck be from the house behind you?

4 MR. OLAVARRIO: It's in front of my
5 house. I don't got no house -- the one on the right
6 looking at the front of the house, the one on the
7 right, my porch is going to be like 15 feet to 20
8 feet away from the house, from my neighbor's house.

9 MR. EINGORN: Right. But you said
10 there's somebody that lives behind you, yes?

11 MR. OLAVARRIO: It's just a yard, my
12 neighbor's yard which is just --

13 CHAIRMAN HAMILTON: Do you got any
14 pictures?

15 MR. EINGORN: Did you bring any
16 photographs?

17 MR. OLAVARRIO: Yes.

18 MR. EINGORN: Do you have some?

19 MR. OLAVARRIO: Yes.

20 MR. EINGORN: Can you show them?

21 MR. OLAVARRIO: I'm bringing that up
22 right now on the screen.

23 MR. EINGORN: Let the record reflect that
24 the applicant has shared his screen and is showing an
25 online map or screen view.

1 MR. EINGORN: Are you pointing at your
2 house now?

3 MR. OLAVARRIO: Well, that's the house.
4 That's the side yard of the house going into
5 Belleview Street; got the garage on the back. And
6 where's the trees at which I don't have anymore,
7 that's the roof where I'm trying to replace where the
8 deck sits. And then that's my neighbor's house right
9 there towards the right. And that's what I'm going
10 to be doing.

11 MR. EINGORN: Do you have a flat roof on
12 your house?

13 MR. OLAVARRIO: Yes, that's the roof on
14 my house, yes.

15 MR. EINGORN: Do you have any pictures of
16 the back area?

17 MR. OLAVARRIO: On the back --

18 MR. EINGORN: So you kind of have a
19 corner lot?

20 MR. OLAVARRIO: Yes. That's the driveway
21 right there with the garage.

22 MR. EINGORN: That's your driveway?

23 MR. OLAVARRIO: I got another piece of
24 cement in the back so I can --

25 MR. EINGORN: I kind of have an idea of

1 what's going on there.

2 MR. OLAVARRIO: Yes.

3 MR. EINGORN: So you can confirm that
4 this deck will be above grade of the other homes that
5 neighbor you, right?

6 MR. OLAVARRIO: Yes. Right there.

7 MR. EINGORN: It's not like the deck
8 would be at the height of your neighbor's house?

9 MR. OLAVARRIO: No.

10 MR. EINGORN: Does the Board have
11 questions?

12 CHAIRMAN HAMILTON: No. It looks good to
13 me.

14 VICE-CHAIRMAN HANCE: Do we have a better
15 picture of the righthand side of your house, that
16 alleyway right there?

17 MR. OLAVARRIO: The right side is my
18 alley between both of the houses which is a fence
19 right there.

20 VICE-CHAIRMAN HANCE: Okay.

21 MR. OLAVARRIO: Right along -- between
22 the both houses is close to 10 feet away.

23 VICE-CHAIRMAN HANCE: Thank you.

24 MR. OLAVARRIO: You're welcome.

25 MR. EINGORN: Any other questions for the

1 applicant?

2 VICE-CHAIRMAN HANCE: If you're not going
3 to change the roof, you want an outside balcony on
4 the second floor? So are you going to do the roof on
5 top of the house also or just do the second floor?

6 MR. OLAVARRIO: No. I'm not doing any
7 roof on top of the deck, no. I'm just replacing the
8 roof. What was that again, please?

9 VICE-CHAIRMAN HANCE: Are you
10 contemplating a balcony on the second floor?

11 MR. OLAVARRIO: Yes.

12 MR. EINGORN: So wait. Just so I can
13 confirm. Is the porch, is that going on top of the
14 house or on the portico at the front of the house?

15 MR. OLAVARRIO: It's not going on top of
16 the house. That roof that you see there, that's the
17 roof on top of my porch which I'm replacing the roof
18 with a deck.

19 MR. EINGORN: Oh, I got it. I thought
20 the way this was written, I thought you were putting
21 it on the very top of the house.

22 MR. OLAVARRIO: No.

23 MR. EINGORN: But you're putting --

24 MR. OLAVARRIO: No.

25 MR. EINGORN: Got it. You're putting a

1 porch on top of your front steps?

2 MR. OLAVARRIO: Yes.

3 MR. EINGORN: Got it. Is there already
4 an existing door for that?

5 MR. OLAVARRIO: Is there an existing
6 door? No.

7 MR. EINGORN: I got it.

8 MR. OLAVARRIO: I got the window. I'm
9 just going to replace the window.

10 MR. EINGORN: Is that a bedroom behind
11 that door or a hallway?

12 MR. OLAVARRIO: No. That's my bedroom.

13 MR. EINGORN: Bedroom. Got it.

14 Any other questions?

15 VICE-CHAIRMAN HANCE: I'm good.

16 MR. EINGORN: Ms. Atwood, did you say
17 something?

18 MS. ATWOOD: I was saying, I couldn't
19 hear what Chairman Hamilton said -- I mean,
20 Vice-Chair Hance said.

21 VICE-CHAIRMAN HANCE: I said, no more
22 questions.

23 MR. EINGORN: I think he said, no more
24 questions.

25 VICE-CHAIRMAN HANCE: Yes.

1 MR. EINGORN: All right. Hearing no more
2 questions, is anybody in the public here to ask
3 questions or weigh in on this application? If you
4 are, I appreciate you speaking up now either for or
5 against. Having heard nobody from the public, we'll
6 close the public portion.

7 Now is the time for the Board to do its
8 analysis of the Positive and Negative Criteria. The
9 applicant is seeking to redo the porch -- I mean,
10 redo the roof above his steps and put in a porch on
11 top of them. We've seen in the photographs of the
12 house as well as the design plan. If there's any
13 further questions or discussions or a motion?

14 CHAIRMAN HAMILTON: Yeah. Who is doing
15 the work?

16 MR. OLAVARRIO: Myself. I'm a general
17 contractor so I will be doing the work myself. I've
18 got a business, Olavarrio Construction, LLC.

19 CHAIRMAN HAMILTON: Are you a roofer?

20 MR. OLAVARRIO: No. I got a roofer, a
21 roofing company, yes.

22 CHAIRMAN HAMILTON: Everything looks good
23 to me.

24 MR. EINGORN: Looks nice. Mr. Hance, we
25 can see you speaking but we can't hear you.

1 VICE-CHAIRMAN HANCE: Can you hear me
2 now?

3 MR. EINGORN: Yes.

4 VICE-CHAIRMAN HANCE: I was saying that I
5 think it's a great idea. The balcony looks very
6 professional. And hopefully -- I like the pillars.
7 Hopefully, again, it'll spread through the
8 neighborhood. And that's in Parkside, correct?

9 MR. OLAVARRIO: Yes.

10 MR. EINGORN: Any other discussion from
11 the Board or a motion?

12 MS. ATWOOD: Motion to pass.

13 CHAIRMAN HAMILTON: I second ti.

14 MR. EINGORN: I'll take a roll-call vote.
15 Chairman Hamilton.

16 CHAIRMAN HAMILTON: Yes.

17 MR. EINGORN: Vice-Chairman Hance.

18 VICE-CHAIRMAN HANCE: Yes.

19 MR. EINGORN: Ms. Washington.

20 MS. WASHINGTON: Yes.

21 MR. EINGORN: Ms. Atwood.

22 MS. ATWOOD: Yes.

23 MR. EINGORN: Ms. Merricks.

24 MS. MERRICKS: Yes.

25 MR. EINGORN: Having five in favor and

1 none opposed, congratulations, your application has
2 been granted for bulk and use variances related to
3 your new rooftop deck.

4 MR. OLAVARRIA: Thank you very much.

5 MR. EINGORN: Have a great night. We'll
6 work on the Resolution and have it prepared for next
7 month.

8 That was the last matter on our agenda
9 for tonight other than Adoption of Resolutions from
10 December:

11 Granting Bulk Variance Approval for
12 Regino Brito.

13 Granting Use and Bulk Variance for
14 Richardo Valerio.

15 Granting Bulk Variance Approval for
16 Antonia Beatriz DeFrank.

17 Granting Bulk Variance Approval for
18 Janice Walden.

19 Granting Bulk Variance Approval for
20 Sandra Maldonado.

21 Everybody but Ms. Washington was present
22 last month so they can vote on the motion. Do we
23 have a motion to adopt the Resolutions for December?

24 MS. ATWOOD: Motion to adopt.

25 MS. MERRICKS: Second.

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

3 CHAIRMAN HAMILTON: Yes.

4 MR. EINGORN: Vice-Chairman Hance.

5 VICE-CHAIRMAN HANCE: Yes.

6 MR. EINGORN: Ms. Atwood.

7 MS. ATWOOD: Yes.

8 MR. EINGORN: Ms. Merricks.

9 MS. MERRICKS: Yes.

10 MR. EINGORN: So moved. Now we need a
11 motion to adjourn.

12 CHAIRMAN HAMILTON: Happy New Year to
13 everyone first.

14 VICE-CHAIRMAN HANCE: Motion to adjourn.

15 CHAIRMAN HAMILTON: Second.

16 MR. EINGORN: All in favor?

17 THE BOARD: Yays.

18 - - -

19 (**Meeting concluded at 6:27 p.m.**)

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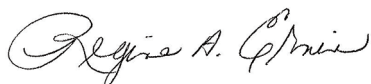
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2
3
4 I HEREBY CERTIFY that I am a Certified Court
5 Reporter and Notary Public.

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

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

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

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