

In The Matter Of:
CITY OF CAMDEN
ZONING BOARD

Transcript of Meeting
March 7, 2022

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ZONING BOARD
CITY OF CAMDEN

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Monday, March 7, 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 5:35 p.m.

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

- ROBERT HAMILTON, CHAIRMAN
- DARRYL HANCE, VICE-CHAIRMAN
- HENRIETTA WASHINGTON
- TERESA ATWOOD
- CHARLES COOPER
- KAREN MERRICKS

- - - -

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

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1 MS. MUHAMMAD: In conformance with the
2 Sunshine Law of New Jersey, notice of this meeting
3 was posted in the Municipal Clerk's Office on
4 Wednesday, March 7, 2022.

5 MR. EINGORN: By the direction of the
6 Zoning Board Adjustment Board Chairman, Robert H.
7 Hamilton, Jr. of the City of Camden, this meeting
8 being held tonight, Monday, March 7, 2022 at
9 5:30 p.m. or a little bit thereafter, is being held
10 via ZOOM which is an electronic remote conferencing
11 platform as the City of Camden remains under a
12 Declaration of a Health Emergency related to the
13 COVID-19. Instructions to access this virtual
14 regularly scheduled meeting were properly posted on
15 the City of Camden's website located at
16 www.ci.camden.nj.us. We will have a roll call.
17 Chairman Hamilton. You're muted, sir.

18 CHAIRMAN HAMILTON: Present.

19 MR. EINGORN: Vice-Chairman Hance.
20 Reverend Martinez. Not present. Ms. Washington.

21 MS. WASHINGTON: Present.

22 MR. EINGORN: Ms. Atwood.

23 MS. ATWOOD: Present.

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

25 MR. COOPER: Here.

1 MR. EINGORN: Very good. If we could
2 have a motion to approve the minutes from last month
3 of February 2022.

4 MS. ATWOOD: Motion to approve.

5 MR. EINGORN: Do we have a second?

6 MS. WASHINGTON: Second.

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

9 CHAIRMAN HAMILTON: Yes.

10 MR. EINGORN: Ms. Washington.

11 MS. WASHINGTON: Yes.

12 MR. EINGORN: Ms. Atwood.

13 MS. ATWOOD: Yes.

14 MR. EINGORN: Mr. Cooper. Did we get a
15 yes from Mr. Cooper?

16 MR. COOPER: Yes.

17 MR. EINGORN: Thank you. So moved.

18 Three matters on the agenda tonight.
19 We'll read the list. If you here, please let me know
20 that you're here. The first matter, Peachtree
21 Management Company, 1340 Kaighn Avenue. I'm not
22 hearing anybody from Peachtree so we will recall
23 that.

24 Catalyst Investment Partners?

25 MR. SHEEHAN: Kevin Sheehan for the

1 applicant.

2 MR. EINGORN: Good evening, Mr. Sheehan.
3 Luz DeJesus, 602 Line Street.

4 MS. DeJESUS: Here.

5 MR. EINGORN: Very good. Did I pronounce
6 that? Is it Lus or Luz?

7 MS. DeJESUS: Luz.

8 MR. EINGORN: Very good. Thank you.

9 MS. DeJESUS: Thank you.

10 MR. EINGORN: We heard from Mr. Sheehan
11 but not from Peachtree so why don't we start. Mr.
12 Sheehan, are you ready to go?

13 MR. SHEEHAN: Yes.

14 MR. EINGORN: Great. Why don't we begin
15 there then.

16 MR. SHEEHAN: Thank you. Good evening.
17 My name is Kevin Sheehan. I'm an attorney with
18 Parker McKay and we're the attorneys for the
19 applicant, Catalyst Investment Partners. And what
20 we're seeking tonight is that, Catalyst is the
21 contract purchaser of the property. The property is
22 located in the LI Zone under the Redevelopment Plan.
23 And the applicant is doing due diligence to determine
24 what the property can be used for. There's currently
25 a trucking company that is located on

1 the -- if you can see the site there.

2 MR. EINGORN: Let the record reflect that
3 Mr. Sheehan has shared his screen and is showing an
4 aerial view of the property.

5 MR. SHEEHAN: Thank you, yes. So you
6 have River Road in the front. The Conrail tracks to
7 the right. The property is outlined in red. The
8 back of the property is used for the storage of
9 trucks. That was permitted by use variance granted
10 by the Zoning Board in 2001.

11 The front of the property is used for bus
12 parking. They come and go everyday and park their
13 buses there. That use was permitted by zoning
14 ordinance -- I'm sorry -- by use variance in 2012, I
15 believe it was. And both -- the property has being
16 used in this manner since 2012 with the back portion
17 of it being used in this manner since about 2001 or
18 2002.

19 What we're trying to do is, we had asked
20 Dr. Williams to confirm that the uses would be
21 continued to be permitted. The concern of the
22 applicant is that he's got tenants there now. And if
23 they acquire the property, the tenants will be there.
24 But if they leave, their intent would be to replace
25 the existing tenants with tenants who have similar

1 uses.

2 So what we're asking the Board to do is,
3 provide an interpretation to confirm that they would
4 be able to use the property in a similar manner if
5 the tenants change. With me is Max Heiden. If I can
6 have him sworn, Kyle, and then I'll have him describe
7 what the proposed uses would be.

8 MR. EINGORN: Sure. If the witness could
9 raise his right hand.

10 MR. SHEEHAN: Max, are you raising your
11 right hand?

12 MR. HEIDEN: Yes.

13 - - -

14 MAXWELL HEIDEN, having first been duly
15 sworn/affirmed, was examined and testified as
16 follows:

17 - - -

18 MR. EINGORN: Thank you.

19 MR. SHEEHAN: Max, can you describe your
20 relationship to the applicant, Catalyst Investment
21 Partners?

22 MR. HEIDEN: Yes. I'm the
23 partner/co-owner of the firm.

24 MR. SHEEHAN: And did I accurately
25 describe, Catalyst is the contract purchaser of the

1 property?

2 MR. HEIDEN: That's correct.

3 MR. SHEEHAN: And you're doing due
4 diligence to confirm the uses that would be permitted
5 on the property should these tenants leave,
6 correct?

7 MR. HEIDEN: Correct.

8 MR. SHEEHAN: And you're familiar with
9 the uses to which Catalyst would intend to put the
10 property if you had to replace these tenants?

11 MR. HEIDEN: Yes.

12 MR. SHEEHAN: Can you describe what those
13 uses would be?

14 MR. HEIDEN: Yes. The intended uses
15 would be the storage and parking of vehicles, buses
16 and/or trucks.

17 MR. SHEEHAN: Similar to what is there
18 now?

19 MR. HEIDEN: Exactly. Yes.

20 MR. SHEEHAN: So, Kyle, what we're asking
21 the Board to do is, interpret the ordinance and the
22 prior approvals to confirm that the existing uses
23 would be permitted if these tenants left and were
24 replaced with similar tenants proposing similar uses
25 with the understanding, of course, that if there are

1 site improvements required, site plan improvements
2 would obviously would have to be obtained.

3 MR. EINGORN: So for the Board, I have
4 reviewed the Resolutions that are attached to the
5 application packet we received from Evita. It does
6 appear that those Resolutions previously granted the
7 relief that is discussed tonight for the uses that
8 are being used discussed tonight. I'm sorry. The
9 relief requested is a determination by the Board that
10 the proposed uses are consistent with the Resolution.
11 And that those Resolutions would continue. And those
12 variances would continue to cover the use that is
13 proposed.

14 Do the Board members have any questions
15 for the applicant regarding what's requested or
16 anything that's been previously granted, anything
17 that's intended? I'm not hearing any questions from
18 the Board. So I guess we can just open to the public
19 if anybody is here. Is anybody here for this
20 application to be heard for or against this
21 application tonight? Anybody from the public?

22 MR. VALENTINE: Yes. Chuck Valentine.

23 MR. EINGORN: Good evening, Mr.
24 Valentine. Can you raise your right hand to be
25 sworn?

1 MR. VALENTINE: My hand is raised.

2 - - -

3 CHUCK VALENTINE, having first been duly
4 sworn/affirmed, was examined and testified as
5 follows:

6 - - -

7 MR. EINGORN: Very good. What would like
8 to add to application?

9 MR. VALENTINE: I just want to, for the
10 record, share the Housing Authority's concern. We're
11 physically contiguous to the property. And we're
12 doing 145 million dollars in Cramer Hill of
13 redevelopment. Physically contiguous, we're doing a
14 little bit over 50 million dollars to this site. And
15 so we don't want any adverse uses that would
16 affect our residential development. I know it's
17 existing use. We're going to confirm existing use.
18 But we hope it won't go beyond that and anything that
19 can happen to make the road frontage a little bit
20 better to complement our 145 million dollar
21 investment would be much appreciated.

22 MR. EINGORN: Right. So the request
23 tonight is an interpretation, not a site plan. So I
24 don't think we have the ability to condition approval
25 tonight upon any frontage improvements. You're

1 certainly welcome to contact Max to see if you can
2 discuss something of that nature after the meeting is
3 over. But I think the testimony tonight is, and Max
4 can correct me if I'm wrong, that the use will be
5 consistent which was previously granted in the prior
6 resolutions.

7 MR. SHEEHAN: That's right.

8 MR. EINGORN: Unless there's testimony to
9 the contrary, and I'm not hearing any. So let the
10 record reflect that Vice-Chairman Hance has entered
11 the meeting. Mr. Hance, presently before the Board
12 is an application of Catalyst Investment Partners.
13 They are seeking an interpretation that the proposed
14 use of the property for truck, bus and trailer
15 storage, be consistent with the prior resolutions
16 that granted use variance relief for those specific
17 uses. And they would like essentially an
18 interpretation that that use can be continued through
19 those resolutions.

20 We've heard testimony from the public,
21 Mr. Valentine, from the Housing Authority who says he
22 doesn't approve of it. He understands that, I think,
23 the use is already there and he would like that there
24 be no intensification of that use. Do you have any
25 questions for the applicant about this? I'll give

1 you a minute to take look at the materials.

2 MR. COOPER: I have one question.

3 MR. EINGORN: I'm sorry. Mr. Cooper
4 we're having trouble hearing you. Can you speak
5 closer to the microphone maybe?

6 MR. COOPER: You're not going to have no
7 hazardous materials stored on this property as far as
8 like -- when you say trucks, you can have tanker
9 trucks or anything stored in there.

10 MR. SHEEHAN: Max, would you have
11 hazardous materials stored on the property?

12 MR. HEIDEN: No, that would not be the
13 intention, no. No hazardous materials.

14 MS. MUHAMMAD: Excuse me, Kyle.
15 Mr. Hance couldn't hear so he logged off. He's going
16 to log back on.

17 CHAIRMAN HAMILTON: Do you have any
18 pictures?

19 MR. SHEEHAN: Yes, Mr. Chairman.

20 CHAIRMAN HAMILTON: Yeah, let's see the
21 pictures.

22 MR. SHEEHAN: That's the site there in
23 red surrounded. You got trucks in the back here and
24 you got buses in the front in this area here. If
25 those tenants leave, they would put similar uses,

1 trucks and buses and trucks in the back.

2 CHAIRMAN HAMILTON: I understand. But do
3 you have pictures of your trucks and things?

4 MR. SHEEHAN: Do I have pictures of the
5 trucks? No. Just the aerial that shows the trucks
6 there.

7 CHAIRMAN HAMILTON: I like to see what
8 kind of trucks that they have there.

9 MR. SHEEHAN: They're typical. They're
10 your typical tractor trailer-type trucks and box
11 trucks.

12 MR. HEIDEN: Right. Fifty-three foot
13 tractor trailer.

14 CHAIRMAN HAMILTON: Like I said before, I
15 don't like this because I can't see nothing. I'm
16 telling you point blank, I don't like it.

17 MR. EINGORN: Are you able to get Mr.
18 Hance?

19 MS. MUHAMMAD: I'm still working on it.

20 MR. COOPER: I'd like to see some more
21 in-depth pictures too. The aerial view is a triangle
22 pretty much. When was this aerial taken?

23 MR. SHEEHAN: If you will bear with me a
24 second.

25 MR. HEIDEN: Kevin, I can send you an

1 aerial more recent but it'll be the exact same. But
2 I can send you some that's more recent.

3 MR. SHEEHAN: I'm going to stop sharing
4 so that I can -- Mr. Chairman, this is a photo of --
5 this is a street-view of the site. It shows the
6 buses in the front here. Do you see that?

7 MR. HEIDEN: Kevin, I just sent you some
8 other photos as well.

9 MR. SHEEHAN: And then there's trucks
10 over here to the right. The trucks would be similar
11 to these trucks here. It would be located in the
12 back. Does that help, Mr. Chairman?

13 MS. ATWOOD: That helps me, thank you,
14 because I did want to see what actually was on the
15 site. Thank you.

16 MR. SHEEHAN: Thank you, Ms. Atwood.

17 MS. WASHINGTON: Is that River Road?

18 MR. SHEEHAN: It is, yes. These are the
19 buses in the front of the site here. And then you
20 can't see the actual trucks that are there but they
21 are similar to these trucks here that are located
22 across the street.

23 MS. WASHINGTON: Is that them there?

24 MR. SHEEHAN: It's not the actual ones
25 that are on the site but they are similar to the ones

1 that are located in the back that you could see in
2 the aerial.

3 MS. WASHINGTON: You can't show the ones
4 that's on the site?

5 MR. SHEEHAN: I can't. I can't get my
6 Google Maps back there other than the aerial view.

7 MR. HEIDEN: Kevin, can I send you a
8 photo?

9 MR. SHEEHAN: Can you share your screen,
10 Max?

11 MR. HEIDEN: Sure. Hold on one second.
12 Yes, I only have one and it's a decent photo. Hold
13 on one second.

14 MR. EINGORN: Vice-Chairman Hance, can
15 you hear us? You're muted.

16 MR. HEIDEN: Can you see this?

17 MR. SHEEHAN: Yes. Make it a little bit
18 bigger.

19 MR. HEIDEN: Is that working?

20 MR. SHEEHAN: Yes. Ms. Atwood and Ms.
21 Washington, these are the trucks that are actually on
22 the site.

23 MR. HEIDEN: I took this photo.

24 MS. WASHINGTON: Is that in front or
25 behind Hargrove?

1 MR. SHEEHAN: I'm sorry?

2 MS. WASHINGTON: Is that in front or
3 behind Hargrove?

4 MR. SHEEHAN: That's behind the
5 buses tHat are located on River Road.

6 MR. HEIDEN: Right. Correct.

7 MR. SHEEHAN: Hargrove owns the site now.
8 So the front would be the buses that I showed you
9 earlier. And the back part of the site is the trucks
10 that Max is showing on the screen here.

11 MR. HEIDEN: Do you see this other photo
12 here?

13 MR. SHEEHAN: Yes. Does that help you,
14 Ms. Washington?

15 MS. WASHINGTON: Yes.

16 MR. SHEEHAN: Thank you.

17 MS. WASHINGTON: I was trying to -- I was
18 looking to see the Hargrove sign that's up there.

19 MR. SHEEHAN: I don't know whether we
20 have a picture of that.

21 MR. EINGORN: Ms. Merricks, can you hear
22 us?

23 MS. MERRICKS: Yes.

24 MR. EINGORN: Let the record reflect that
25 Ms. Merricks is here for the meeting.

1 MR. COOPER: Does this property --

2 MR. SHEEHAN: I'm sorry, Mr. Cooper, We
3 cannot hear you.

4 MR. COOPER: The back of this property,
5 does it back up to any of the apartment complexes?

6 MR. SHEEHAN: So if you look at the
7 aerial, you can see Ablett Village is at the top.
8 And then you have this space in between, a green
9 space in between and then you've got the existing
10 site in red.

11 MR. COOPER: Okay.

12 MS. WASHINGTON: Is that in any way going
13 to make any changes with that facility?

14 MR. SHEEHAN: We would not be expanding.
15 We're not proposing to expand the site. We just want
16 to confirm that we can continue to use it in the
17 similar manner to what is there now. No new
18 construction; no improvements; no expansion; staying
19 within the lot lines that are there now.

20 MR. EINGORN: Ms. Merricks, you joined us
21 a little late but this application relates to two
22 prior variances, variance applications that were
23 previously granted back in '01 and 2012. And they
24 permitted this property to be used for the storage of
25 motor vehicles as well as the staging of buses at the

1 front of the property. And the applicant is here
2 tonight just to confirm the continuation of those
3 uses and for interpretation that those continued uses
4 are acceptable or available.

5 MR. SHEEHAN: Permitted, yes.

6 MR. EINGORN: Permitted. Thank you.

7 MS. MERRICKS: Okay. I reviewed it.
8 I looked at it earlier.

9 MR. EINGORN: Do you have any questions?

10 MS. MERRICKS: No, I don't have any
11 questions. Ms. Henrietta kind of went across the
12 questions that I was going to ask.

13 MR. EINGORN: And then we did have
14 opposition sort of from the public. Mr. Chuck
15 Valentine from the Housing Authority was here. And
16 he said that the Housing Authority does own property
17 contiguous and that he doesn't want to see any
18 use being intensified in the future. But he
19 understands that the variances were previously
20 granted.

21 MS. MERRICKS: Okay. So he was clear
22 with that.

23 MS. WASHINGTON: I don't think anything
24 should interfere with Ablett Village. They've been
25 over there all this time and they don't want this

1 there. I have to agree with that.

2 MR. EINGORN: Well, remember, these use
3 variances were already granted so they're already on
4 the books. They're not asking to add any new
5 variances or to intensify the use that isn't already
6 there. They're just here to ask the Board to make a
7 determination that the uses that they're proposing
8 which are the same uses for which the use variances
9 were previously granted, are still permitted under
10 those Resolutions. This is part of their due
11 diligence to buy the property.

12 MR. SHEEHAN: There's a lot of space
13 between Ablett Village and the property.

14 MR. VALENTINE: That land between the
15 property and Ablett Village belongs to the Housing
16 Authority. We're not -- that green space between the
17 site, that site and the Ablett Village site, is the
18 Housing Authority's. We're not opposed to it. We're
19 just saying for the record, we're doing tons of
20 residential development and we don't want any
21 additional uses. Though it's presently the qualified
22 use, we were talking about future road frontage
23 improvements but we can't deal with it at this
24 moment.

25 MR. SHEEHAN: Right. If the site were to

1 expand or change and site plan approval would be
2 required, that's something obviously would be dealt
3 with at that time.

4 MR. VALENTINE: Right. But we're not
5 opposing it. I just want that for the record.

6 MR. EINGORN: Thank you. I must have
7 misinterpreted. I don't hear anymore discussions
8 from the Board or questions.

9 Again, I've reviewed the Resolutions.
10 But based upon the testimony, it seems to me that the
11 interpretation would be appropriate in the
12 circumstance. To that end, we would need a motion
13 from the Board to approve or deny the application for
14 the interpretation with the understanding that if
15 there is a change, site plan approval would be
16 required and the applicant's agreed to come back
17 before the Board to obtain that site plan.

18 MS. ATWOOD: Motion to approve.

19 MS. MERRICKS: I second.

20 MR. EINGORN: We'll take a roll-call
21 vote. Chairman Hamilton. You're muted, sir.

22 CHAIRMAN HAMILTON: Yes.

23 MR. EINGORN: Thank you. Did we get
24 Vice-Chairman Hance back? I don't see him. Ms.
25 Washington.

1 MS. WASHINGTON: Yes.

2 MR. EINGORN: Thank you. Ms. Atwood.

3 MS. ATWOOD: Yes.

4 MR. EINGORN: Ms. Merricks.

5 MS. MERRICKS: Yes.

6 MR. EINGORN: Mr. Cooper.

7 MR. COOPER: Yes.

8 MR. EINGORN: Thank you. So moved.

9 Thank you, Mr. Sheehan. It's good to see you.

10 MR. SHEEHAN: Thank you.

11 MR. EINGORN: Did anybody arrive for
12 Peachtree Management, 1340 Kaighn Avenue?

13 Before we move forward, I did have two
14 minor issues that I should have said at the
15 beginning. If you're here for MayTav Bus, notice was
16 deficient and will not be heard tonight.

17 Also, if you're here for 1700 Admiral
18 Wilson Blvd., they also chose not to proceed
19 tonight. In speaking with counsel, they were going
20 to re-notice. So if you're here for those matters,
21 you're welcome to stay; you're welcome to leave. We
22 appreciate your time.

23 So with that said, we'll move on to the
24 last matter on our list which is Luz DeJesus, 602
25 Line Street. Is the applicant here?

1 MS. DeJESUS: Yes, I'm here.

2 MR. EINGORN: Are you able to join us
3 with your picture?

4 MS. DeJESUS: Yes, I'm ready.

5 MR. EINGORN: Perfect.

6 MS. DeJESUS: Hi everybody.

7 MR. EINGORN: If you could raise your
8 right hand, please.

9 - - -

10 LUZ DeJESUS, having first been duly
11 sworn/affirmed, was examined and testified as
12 follows:

13 - - -

14 MR. EINGORN: Can you provide your name
15 and address for the record?

16 MS. DeJESUS: My name is Luz DeJesus and
17 where I live is 512 Line Street, Camden, New Jersey
18 08103.

19 MR. EINGORN: Great. Would you like me
20 to read your appeal for zoning into the record or are
21 you prepared to tell us?

22 MS. DeJESUS: Yes, if you want to.

23 MR. EINGORN: Great.

24 So the applicant has stated that the
25 premises -- I'm sorry, I can't read your handwriting

1 so --

2 MS. DeJESUS: I'm sorry.

3 MR. EINGORN: So the Zoning Denial Letter
4 states: The use is not permitted which the use is a
5 proposed nail salon with apartment. And you may need
6 site plan approval. So can you tell us what the
7 property is now?

8 MS. DeJESUS: The property, I think it
9 was an illegal corner store in the 80's. And when I
10 bought the building, I thought it was a commercial
11 building. Then I checked it out and it was
12 residential. The second floor is converted and a
13 perfect apartment. The first floor was completely
14 empty. And I was trying to do -- it's going to be a
15 small nail salon by appointments. We're not going to
16 be doing any major alterations to the property with
17 the intention of just adding plumbing to the
18 pedi-chair station area.

19 We took a community petition from local
20 residents. I'm partly responsible for it. The
21 property address is 602 Line Street, Camden, New
22 Jersey 08103. The Block is 291, Lot 1. We are fully
23 board certified technicians. I have all the
24 certifications in relation to the field. We will be
25 taking clients by appointment only to minimize the

1 risk of exposure to clients. The manager Eddie has
2 ten years' experience in the field. He's a
3 fully-licensed technician and also a certified
4 cosmetology teacher.

5 MR. EINGORN: Great. So the testimony is
6 that the only change to the building will be
7 additional plumbing?

8 MS. DeJESUS: Just the plumbing for the
9 pedi-chairs because we're going to put three
10 pedi-chairs. That's the only major change that we're
11 going to do. And the other one is going to be like
12 changing the color, makeup, cosmetic.

13 MR. EINGORN: You said pedi chair,
14 P-E-D-I-C-H-A-I-R?

15 MS. DeJESUS: Yeah, the pedicure chair.

16 MR. EINGORN: Okay. I got it.

17 MS. DeJESUS: We only use natural product
18 when we're doing pedicures so it's not going to be
19 nothing affecting the water. The same thing with the
20 parking, we're not going to be using a lot of
21 parking. We're just doing it by appointments. And
22 we have plenty of parking around.

23 MR. EINGORN: Can you just -- I see that
24 you provided some photographs. Can you just tell us
25 what the downstairs is a currently like?

1 MS. DeJESUS: Downstairs have, as soon
2 as -- the downstairs?

3 MR. EINGORN: Yes, please.

4 MS. DeJESUS: Oh, the downstairs is
5 completely empty kind of right now. I just have
6 things that I bought in case to use it in the salon.
7 When you first walk in, we're going to have three
8 manicure tables. And we're going to have a small
9 reception desk. When you first walk in, that's where
10 I'm going to have the three pedi-chairs too. When
11 you pass that door, that is like a small kitchenette.
12 And then we have a bathroom that clients are going to
13 be using it. Clients are going to go to that area
14 only. They are going to be mostly going to be on the
15 manicure area and the pedicure area.

16 MR. EINGORN: Okay. Is this a corner
17 lot, this building?

18 MS. DeJESUS: Yes.

19 MR. EINGORN: I'm looking at the
20 photograph you provided of the exterior of the
21 building. It looks like there's an open space behind
22 the lot. Do you own that open space?

23 MS. DeJESUS: No.

24 MR. EINGORN: No? That's somebody else?

25 MS. DeJESUS: Yes. The property has a

1 fence around it.

2 MR. EINGORN: Across the street on the
3 photograph, it looks like there's a Volkswagon. Is
4 that -- can you tell me if that's a parking area?

5 MS. DeJESUS: No. That area is empty.
6 People just park there because they live there. But
7 there is no parking area.

8 MR. EINGORN: Okay.

9 MS. DeJESUS: I was thinking that later
10 on if it gets approved, buying one of those lots and
11 maybe use it for parking. That can happen later on.

12 MR. EINGORN: So as the Board has heard,
13 the applicant is the owner of the property and is
14 looking to put a nail salon on the first floor and
15 continue the residential second floor.

16 Are there any questions for the
17 applicant?

18 MS. ATWOOD: Yes. My question is, what
19 about ventilation? Because I used to get my nails
20 done and it provides a lot of chemical odors. So
21 what happens when they go upstairs, how are you going
22 to ventilate the place?

23 MS. DeJESUS: All right. Could I have my
24 manager answer that question, the one that's going to
25 be the manager? Because we're going to have

1 ventilation. Right now we have three systems of
2 ventilation. We're going to keep it very ventilated.

3 MS. ATWOOD: But how?

4 MS. DeJESUS: And all the products that
5 we use are natural. The ventilation units tell us
6 how the environment is. Two in one room and then two
7 in the other room. So each room is going to have two
8 ventilation systems. And then I was thinking that
9 it was not really enough because the apartment
10 upstairs, there's going to be one going in the window
11 and I want the carbon which can help a lot. Whatever
12 is going out the environment is not chemical.

13 The carbon filters that really helps a
14 lot to keep it clean. It's created for nail salons.
15 That's suppose to help with the chemicals. And the
16 chemicals that we use they are not high in smells,
17 any of the products. Most of the products that we
18 use are natural. The only one that we use that is
19 not -- when use chemicals, we don't use anything that
20 is strong-smelling. It has no odor.

21 MS. ATWOOD: Thank you.

22 MS. DeJESUS: You're welcome.

23 MR. EINGORN: Any other questions from
24 the Board?

25 MR. COOPER: What are the hours of

1 operation?

2 MR. EINGORN: Can you tell us the hours,
3 the proposed hours of operation?

4 MS. DeJESUS: I was thinking maybe from
5 nine to six, if that is possible. Maybe Fridays, ten
6 to seven. And maybe the people that work late, we
7 can offer late hours.

8 MR. COOPER: This could be a good thing,
9 but all what's she's telling us about this
10 ventilation, how can we put stipulations in there as
11 far as for her to do this stuff?

12 MR. EINGORN: Let me ask you this. The
13 certifications that you guys have obtained for
14 cosmetology and all, do they have any requirements
15 for, I guess, nail salons of any sort?

16 MS. DeJESUS: Yes because the State Board
17 has to make sure that everything that we build and
18 everything that we create is safe for the environment
19 and for whoever is in or out. Before we open, the
20 inspector from OSHA has to come and inspect
21 everything in order for us to open.

22 MR. EINGORN: All right. So there's OSHA
23 requirements?

24 MS. DeJESUS: Yes. So a ventilation
25 system is approved by the sufficient Board for the

1 measurement of the space. That's another thing. We
2 had to measure the space. That's another thing that
3 OSHA looks for. We had to measure the space and the
4 ventilation system has to cover the entire space.
5 So we're going to have ventilation on the floor plus
6 we're going to have the ventilation in the window
7 which is going to throw the air out to clean.

8 MR. COOPER: Shouldn't we be able to see
9 this before we can vote on it? Have them draw us
10 something so that they can bring back to us?

11 MR. EINGORN: I'm sorry. I couldn't hear
12 you, Mr. Cooper.

13 MS. DeJESUS: Yes, we're going to need
14 signs for that because we have to see how OSHA is
15 going to tell me that I had to do it.

16 MR. COOPER: So once they get all this in
17 writing or somebody draw a diagram or whatever, that
18 they can come back in front of us and we could vote
19 on it?

20 MS. DeJESUS: OSHA is not going to let me
21 do anything in my own shop if I don't have the right
22 place. Because they want to see that all the papers.
23 They want to see that I'm doing business in a
24 building where I can do it before they even -- I have
25 to get all the papers before they even come in and

1 inspect.

2 MR. EINGORN: To the extent that the
3 Board wants to consider this application or --
4 consider to grant this application, you could
5 condition any approvals on strict compliance with all
6 OSHA regulations and on the fact that they have to
7 obtain an OSHA certification of some sort and provide
8 that to the Planning Office as a part of a condition
9 of approval.

10 MS. DeJESUS: Okay.

11 MR. EINGORN: Which may satisfy your
12 concern.

13 MS. DeJESUS: That sounds great. So
14 we're not allowed to move forward?

15 MR. EINGORN: No. What I'm saying is, if
16 the Board wants to consider granting this application
17 but has concerns with OSHA compliance, they could
18 grant your application subject to compliance --

19 MS. DeJESUS: Okay. Perfect.

20 MR. EINGORN: -- and that you've complied
21 with the OSHA requirements.

22 MS. DeJESUS: Perfect.

23 MR. EINGORN: Are there any other
24 questions from the Board? Hearing no further
25 questions from the Board, is there anybody in the

1 public who wants to be heard in regards to the
2 application either for or against? All right.
3 Hearing none, we'll close the public portion.

4 So the Board has heard testimony tonight
5 regarding the applicant's request for a use variance
6 and a site plan waiver for a nail salon on the first
7 floor and a residential apartment on the second
8 floor. Does the Board want to do any discussion of
9 the Positive and Negative Criteria? Propose a
10 motion? Both would be helpful.

11 MS. ATWOOD: I propose a motion to
12 approve with the conditions that we get the report
13 from OSHA.

14 MS. DeJESUS: Okay.

15 MS. WASHINGTON: I second.

16 MR. EINGORN: So the motion is to approve
17 the application with the condition that the applicant
18 comply with all OSHA requirements and provide proof
19 of compliance to the Zoning Board. Is that the
20 motion?

21 MS. ATWOOD: Yes.

22 MR. EINGORN: And we have a second by
23 Ms. Washington. We'll take a roll-call vote.
24 Chairman Hamilton.

25 CHAIRMAN HAMILTON: Can you hear me?

1 MR. EINGORN: Yes, sir. Did we get a
2 vote, Chairman Hamilton?

3 CHAIRMAN HAMILTON: Can you hear
4 me?

5 MR. EINGORN: Yes, sir.

6 CHAIRMAN HAMILTON: Yes.

7 MR. EINGORN: Did we lose Ms. Merricks?

8 CHAIRMAN HAMILTON: I voted yes.

9 MR. EINGORN: Thank you.

10 MS. DeJESUS: Thank you.

11 MR. EINGORN: You're not done yet. You
12 need five votes. I think we lost our fifth member.

13 MS. MUHAMMAD: I just spoke to her. She
14 says she's getting back in now but she did hear the
15 testimony.

16 MR. EINGORN: Okay. Great. Ms.
17 Washington.

18 MS. WASHINGTON: Yes.

19 MR. EINGORN: Thank you. Ms. Atwood.

20 MS. ATWOOD: Yes.

21 MR. EINGORN: Mr. Cooper.

22 MR. COOPER: Yes.

23 MR. EINGORN: And then we're just waiting
24 on Ms. Merricks. And presuming she says yes then
25 you'll be granted, but we need to hear from her

1 because you need five votes.

2 CHAIRMAN HAMILTON: Where is she at?

3 MR. EINGORN: We lost her.

4 MS. ATWOOD: She has Internet issues with
5 the shared Internet in the Northgate Building.

6 MR. EINGORN: I don't care where you are,
7 it seems like everybody always has Internet issues.
8 I had computer issues today too.

9 MS. MUHAMMAD: I'll try to get her back
10 on the phone but she was trying to log in. She said
11 it was letting her in but she should be in by now.

12 MR. EINGORN: Do you want to just get her
13 on the phone and maybe she could put her 'yes' on the
14 record through the phone through the Internet?

15 MS. MUHAMMAD: I keep going in and out
16 and I'm trying to work.

17 CHAIRMAN HAMILTON: I keep telling you
18 about these phones but you don't believe me.

19 MR. EINGORN: We all believe you. I
20 don't think that's the issue.

21 CHAIRMAN HAMILTON: The phone is no good.
22 I keep telling you.

23 MR. EINGORN: You're right.

24 MS. MUHAMMAD: I have her on the phone,
25 Kyle.

1 MR. EINGORN: Great.

2 MS. MUHAMMAD: Go ahead.

3 MR. EINGORN: Ms. Merricks, can you hear
4 me?

5 MS. MERRICKS: I'm all for it with
6 stipulations that they get the adequate equipment for
7 air circulation.

8 MR. EINGORN: Right. So Ms. Merricks,
9 the motion was to approve subject to compliance with
10 all OSHA requirements, and that they provide proof
11 that they've complied with those requirements.

12 MS. MERRICKS: I agree, yes. That's my
13 agreement, yes.

14 MR. EINGORN: All right. So having five
15 votes in favor, the application is granted.

16 MS. DeJESUS: Thank you.

17 MR. EINGORN: Thanks, Ms. Merricks.

18 The last call on Peachtree Management
19 Company. Is anybody here for Peachtree? It looks
20 like we dragged --

21 MS. DeJESUS: I'm done?

22 MR. EINGORN: Yes, ma'am, you're done for
23 the evening.

24 MS. DeJESUS: Thank you.

25 MR. EINGORN: Have a great night.

1 Dena, we're happy to see you. Sorry we
2 didn't get to hear you.

3 MS. MOORE: That's fine. I mean, I sent
4 them an email. I thought they were going to be on
5 because they advertised, I believe, for last month.

6 MR. EINGORN: Right.

7 MS. MOORE: Wasn't that correct, Evita?
8 They advertised but then they said that they were
9 going to be on this month. I just sent a message to
10 the design engineer just explaining that I'll assume
11 that they're not present tonight; that they'll be on
12 for the meeting in April. And I copied their
13 attorney.

14 MR. EINGORN: Let's put it on the record
15 that Peachtree Management didn't appear tonight.
16 I don't know who Mr. Gardner is or Mrs. Gardner.
17 It's a P. Gardner. But they are the only person in
18 the public, I guess. We'll hear Peachtree Management
19 Company at the next monthly meeting without further
20 notice. This will be the notice on behalf of the
21 applicant. Unless we receive an adjournment request
22 going forward, the next time we'll deny without
23 prejudice. How does that sound, Evita? Does that
24 work for you?

25 MS. MOORE: Do you have to vote to

1 continue? This would be their first meeting, though,
2 so I don't know about denying on the next one.

3 MR. EINGORN: Right. If they want to
4 provide the courtesy or not, right, if they don't
5 request it, then we don't know what they want. We'll
6 have to assume that they no longer want to proceed
7 with their application.

8 MS. MOORE: Okay.

9 MR. EINGORN: This is how I see it.
10 So final issues for tonight, are the
11 Adoption of the Resolutions for February:

12 Granting Use Variance Approval for
13 Functional Games Apparel.

14 Granting Conditional Use Variance for
15 Tower North.

16 And Granting Bulk variance for Pauline
17 O'Neill.

18 Do we have a motion to adopt those
19 Resolutions?

20 MR. COOPER: Motion to adopt.

21 MR. EINGORN: Thank you, Mr. Cooper. And
22 a second?

23 MS. ATWOOD: Second.

24 MR. EINGORN: Thank you, Ms. Atwood.
25 I'll take a roll-call vote. Chairman Hamilton.

1 CHAIRMAN HAMILTON: Yes.

2 MR. EINGORN: Thank you. Ms. Washington.

3 MS. WASHINGTON: Yes.

4 MR. EINGORN: Thank you. Ms. Atwood.

5 MS. ATWOOD: Yes.

6 MR. EINGORN: Do we still have Ms.

7 Merricks or is she off the phone?

8 MS. MUHAMMAD: I'm doing it right now.

9 MR. EINGORN: Mr. Cooper.

10 MR. COOPER: Yes.

11 MR. EINGORN: Thank you. Ms. Merricks.

12 MS. MERRICKS: Yes.

13 MR. EINGORN: Is that a 'yes' to the
14 motion to Adopt the Resolutions?

15 MS. MERRICKS: Yes.

16 MR. EINGORN: So moved. Then we need a
17 motion to adjourn.

18 MS. MERRICKS: I make the motion.

19 MS. WASHINGTON: Second.

20 MR. EINGORN: All in favor?

21 THE BOARD: Yays.

22 - - -

23 (*Meeting concluded at 6:30 p.m.*)

24

25

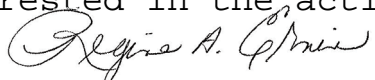
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