

**In The Matter Of:**  
*CITY OF CAMDEN*  
*ZONING BOARD*

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*TRANSCRIPT OF MEETING*  
*September 12, 2022*

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ZONING BOARD  
CITY OF CAMDEN

- - - -

Monday, September 12, 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 5:36 p.m.

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

- DARNELL HANCE, CHAIRMAN
- TERESA ATWOOD
- KAREN MERRICKS
- MARITZA ALSTON
- JOSE M. BRITO BUENO

- - - -

- KYLE F. EINGORN, ESQUIRE
- ATTORNEY FOR THE BOARD
- DARRYL RHONE, ESQUIRE, CONFLICT ATTORNEY
- EVITA MUHAMMAD, ZONING BOARD SECRETARY
- DENA MOORE JOHNSON, P.E., C.M.E.

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1 MS. MUHAMMAD: Welcome to the Camden City  
2 Zoning Board meeting. In conformance with the  
3 Sunshine Law of New Jersey, this notice of this  
4 meeting was posted in the Municipal Clerk's Office on  
5 Tuesday, September 6, 2022.

6 MR. EINGORN: Further, by the direction  
7 of the Zoning Board of Adjustment Board Chairman,  
8 Darnell Hance, this meeting is being held tonight via  
9 the remote platform ZOOM. Instructions for accessing  
10 this virtual regularly scheduled meeting were posted  
11 on the City of Camden's website [www.ci.camden.nj.us](http://www.ci.camden.nj.us).

12 We will take a roll call. Chairman  
13 Hance.

14 CHAIRMAN HANCE: Here.

15 MR. EINGORN: Very good. Vice-Chairman  
16 Cooper. Absent. Reverend Martinez. Absent.  
17 Ms. Atwood.

18 MS. ATWOOD: Present.

19 MR. EINGORN: Ms. Merricks. Ms. Merricks  
20 you're muted. Ms. Alston.

21 MS. ALSTON: Present.

22 MR. EINGORN: Mr. Brito Bueno.

23 MR. BRITO-BUENO: Present.

24 MR. EINGORN: Very good. Ms. Merricks,  
25 if you can hear me, if you could just pop on and

1 announce that you're present, we'd appreciate it.  
2 Let the record reflect that we can see her ZOOM pane  
3 with her name in it. She's muted.

4 MR. EINGORN: We have enough to open the  
5 meeting. I'm assuming that she's going to pop in at  
6 some point. So let's take a roll call of the --  
7 first, I need a motion to approve the minutes from  
8 last month. Do we have a motion?

9 CHAIRMAN HANCE: I make the motion.

10 MS. ALSTON: Second.

11 MR. EINGORN: Very good. I'll take a  
12 vote. Chairman Hance.

13 CHAIRMAN HANCE: Yes.

14 MR. EINGORN: Ms. Atwood.

15 MS. ATWOOD: Yes.

16 MR. EINGORN: Ms. Merricks. Ms. Alston.

17 MS. ALSTON: Yes.

18 MR. EINGORN: Mr. Brito Bueno.

19 MR. BRITO BUENO: Yes.

20 MR. EINGORN: Motion passes.

21 And then we'll take a roll call of who is  
22 present tonight. The first matter on Old Business,  
23 Lorenzo Hernandez, NS Thompson, 104 E. State Street.

24 MR. HERNANDEZ: Here.

25 MR. EINGORN: Good evening. Rodrigo

1 Gonzalez, 3821 Westfield Avenue.

2 MR. GONZALEZ: Here.

3 MR. EINGORN: Thank you. Cooper Cancer  
4 Center, 3 Cooper Plaza.

5 MR. WELLS: I'm Richard Wells from Archer  
6 & Greiner on behalf of the applicant.

7 MR. EINGORN: Good evening, Counsel.

8 MR. WELLS: Good evening.

9 MR. EINGORN: Maria Moran, 3077 Stevens  
10 Street.

11 MR. IZZO: Charles Izzo, attorney for  
12 Moran.

13 MR. EINGORN: Good evening, Mr. Izzo. I  
14 got your email last night. I reviewed the issue that  
15 you were discussing.

16 MR. IZZO: Right.

17 MR. EINGORN: It looks to me that the  
18 extension is an attachment to the existing principal  
19 structure as opposed to accessory use. So I would  
20 agree with you that this probably only needs bulk  
21 variances. But in addition to the setbacks, I think  
22 it would probably need a variance for -- excuse me --  
23 lot coverage and impervious coverage. I don't see  
24 that the notice included the catch-all provision is  
25 sometimes there, so you may need to notice for those

1 additional variances.

2 MR. IZZO: Right. I don't think I have  
3 the specifics that I needed for that. That was part  
4 of what I emailed you about. That I also don't have  
5 testimony on that tonight on the documents.

6 MR. EINGORN: Right. I know from your  
7 email that you were going to request an adjournment  
8 but I just figured, as a courtesy, I'd give you the  
9 heads up that I think you need additional variances.  
10 You may want to renote with the catch-all provision  
11 and the impervious and the lot coverage.

12 MR. IZZO: Okay.

13 MR. EINGORN: And you might want to look  
14 at 870-56 which is the bulk area requirements. And  
15 That's on the website.

16 MR. IZZO: Okay. We will renote. I  
17 appreciate that.

18 MR. EINGORN: Yes, sir.

19 MR. IZZO: If we could get the  
20 postponement list.

21 MR. EINGORN: Yes. We'll move this to  
22 October's meeting.

23 MR. IZZO: Very good. Thank you.

24 MR. EINGORN: Yes.

25 Hipolito Hernandez, 452 Clinton Street.

1 Anybody present for that matter? I'll try to recall  
2 that one at the end. Not hearing anyone.

3 Jose A. Santos, 338 Emerald Street.  
4 Anybody here for Jose Santos? I'll mark that as  
5 well.

6 Julian T. Canuso, Jr., 334 Point  
7 Street.

8 MR. CANUSO: Present.

9 MR. EINGORN: Good evening.

10 And I believe that's the next matter as  
11 well at 336 Point Street; is that correct, sir?

12 MR. CANUSO: Yes, sir.

13 MR. EINGORN: Very good. Thank you.

14 Did we get Ms. Merricks; are you there?  
15 You're muted.

16 MS. MUHAMMAD: I'll try to call her.

17 MR. EINGORN: Yes. Because without her,  
18 we can't really do any of the use variances. And  
19 that seems to be the bulk of our applications. I  
20 appreciate everyone's patience.

21 MS. MUHAMMAD: Karen, can you hear us?

22 MS. MERRICKS: Yes, I can hear you.

23 MR. EINGORN: We will mark Ms. Merricks  
24 as present. We will continue with our meeting. Mr.  
25 Rhone, are you ready to proceed or do you still need

1 a couple?

2 MR. RHONE: I need a couple.

3 MR. EINGORN: So let's take the first  
4 matter on Old Business, Lorenzo Hernandez, NS  
5 Thompson, 104 E. State Street. The applicant was  
6 proposing a parking lot for cars and trailers. The  
7 use is not permitted. A use variance is needed and  
8 so is site plan approval. This is a continued matter  
9 from last month. Is the applicant here?

10 MR. HERNANDEZ: Yes.

11 MR. EINGORN: Great. Can you raise your  
12 right hand?

13 MR. HERNANDEZ: Yes.

14 - - -

15 EL DORNADO VID AL, R.A.; LORENZO  
16 HERNANDEZ, having first been duly sworn/affirmed, was  
17 examined and testified as follows:

18 - - -

19 MR. EINGORN: Very good. So when we were  
20 last here, I believe the applicant received a use  
21 variance approval for a warehouse across the street;  
22 is that correct?

23 MR. HERNANDEZ: Correct.

24 MR. EINGORN: Are you prepared to proceed  
25 with regard to the parking lot request for the use

1 variance?

2 MR. HERNANDEZ: Yes.

3 MR. EINGORN: Great. The Board will hear  
4 you.

5 MS. PERALTA: Hi, Kyle.

6 MR. EINGORN: Do you want to interpret?

7 MS. PERALTA: Yes.

8 MR. EINGORN: Please raise your right  
9 hand.

10 MS. PERALTA: Sure.

11 MR. EINGORN: Do you swear/affirm that  
12 the interpretation you'll provide tonight, will be  
13 true and accurate to the best of your ability?

14 MS. PERALTA: Yes.

15 MR. EINGORN: Can you state your name and  
16 address for the record?

17 MS. PERALTA: Sarah Peralta, 6167 Cedar  
18 Avenue, Pennsauken, New Jersey 08109.

19 MR. EINGORN: Very good. And then can  
20 you ask the applicant to provide his name and address  
21 for the record as well?

22 MR. HERNANDEZ: 1103 N. 23rd Street,  
23 Camden, New Jersey 08105, Lorenzo Hernandez.

24 MR. EINGORN: Thank you. Mr. Vid Al,  
25 you've be sworn, correct? Are you here tonight to

1 present testimony on this application?

2 MR. VID AL: That is correct.

3 MR. EINGORN: I think you already raised  
4 your hand and said, I do; correct?

5 MR. VID AL: Yes. So do you just want to  
6 provide your credentials briefly. You've been  
7 accepted here on many occasions so I don't think it  
8 needs to be --

9 MR. VID AL: I appreciate that.

10 Mr. Lorenzo Hernandez commissioned me to  
11 provide and prepare the plans, the existing and  
12 proposed plans for the parking, the proposed parking  
13 area on 104 East 27th Street.

14 MR. EINGORN: This looks like this is a  
15 pre-existing parking lot. Was there a building there  
16 before or some sort?

17 MR. VID AL: Yes. Counsel, if I may  
18 share -- I'm pretty sure the Board members, they have  
19 the plans. They received the paper plans. But I  
20 have it online. If I may share my screen, I'd be  
21 happy to show you.

22 MR. EINGORN: That would be helpful just  
23 in case there's anybody in the public --

24 MR. VID AL: Just in case anybody --

25 MR. EINGORN: -- to help them understand

1 what's going on.

2 MR. VID AL: What this is basically, is  
3 the aerial view of the -- this is the building, the  
4 proposed building already on 27th Street. That is  
5 what is called the warehouse. This used to be a  
6 restaurant. But across the street they have a big  
7 parking basically, a paved parking across the -- on  
8 Thompson Street that is being utilized -- was  
9 utilized by the patrons of that former restaurant.

10 Mr. Hernandez is proposing to use the  
11 same parking for trucks and cars. Basically utility  
12 cars. What is interesting about this parking is that  
13 the two entrances, both the parking area and the  
14 warehouse loading area, they are across the street  
15 basically front-to-front.

16 The other part of this parking that I  
17 also found participating in the meeting -- I was not  
18 representing Mr. Hernandez -- but something caught  
19 our attention when that was discussed on the sequence  
20 for the traffic on that Thompson Street, it's only  
21 134 feet. So basically if you do need to get into  
22 the neighborhood, you must make either a right or a  
23 left from 27th Street to the parking area or the  
24 loading area. In this case, to the parking area.

25 This parking area, it has two different

1 entrances. Actually, the same entrances. I  
2 recommend that only one entrance should be a left and  
3 will suffice because you can get in and get out. So  
4 it's an entrance and an exit on that side, which is  
5 closest one to 27th Street or 134 feet from the  
6 corner. That's what I recommend. The rest of the  
7 parking areas, it's already paved.

8           This is a view of the two areas. This is  
9 the warehouse or where the warehouse is. And this  
10 where the parking is. This parking is composed by  
11 the three lots already. So there are three lots  
12 combined into a big parking. In my assessment, that  
13 parking is in good condition but it needs to be  
14 patched in some areas. It needs to be re-striped  
15 accordingly. But the parking, the parking can hold  
16 60. Let me go to the next plate which is this.

17           This is how the parking is going to look  
18 like once it's re-striped. I recommend only the  
19 stripes because you're going to move a lot of people.  
20 Not only cars but other types of vehicles. So they  
21 can make like a loop, getting in, getting out. But  
22 the capacity is 65 stalls. So it's going to be good  
23 for the warehouse plus whatever additional vehicles,  
24 utility vehicles or regular cars can get into that  
25 parking lot.

1           As I said, it's already paved. It's  
2 already screened by a lot of vegetation. It has a  
3 security fence already there. And the entrance needs  
4 to be reconditioned or the door needs to be  
5 reconditioned. I believe Mr. Hernandez is going to  
6 provide like a sliding door for convenience and for  
7 security purposes. But the rest of the -- basically,  
8 the parking is already there. It's already  
9 developed.

10           I don't see any other development other  
11 than the restriping the arrows indicating the  
12 entrance and the exit and the loop around to direct  
13 the traffic inside the parking itself. Other than  
14 that, this is basically my presentation. In  
15 conclusion, the parking needs to be reconditioned,  
16 the surface and the stripes.

17           MR. EINGORN: So it's the applicant's  
18 position that this is a pre-existing nonconforming  
19 use; is a that fair argument?

20           MR. VID AL: It's a nonconforming use  
21 already but the parking other -- it's a nonconforming  
22 use but the parking has been there since the  
23 existence of the former restaurant. It used to be  
24 like a big parking for the restaurant. So it will  
25 suffice for the proposed uses of the warehouse.

1                   CHAIRMAN HANCE: I have a question. You  
2 mentioned cars. What about the trailers?

3                   MR. VID AL: The trailers? You can have  
4 trailers inside. What I recommend is to leave the  
5 parking just with the stripes, not to have the  
6 blocks. So if you have a trailer, the trailer can  
7 maneuver without the cars, of course, for around the  
8 driveways. You can maneuver a trailer in there.  
9 It's pretty big.

10                  CHAIRMAN HANCE: Are we talking about  
11 tractor trailers?

12                  MR. VID AL: I understand that it's like  
13 the size of a U-Haul. I think that's what  
14 Mr. Hernandez is going to have. Those sizes like  
15 mid-size, U-Haul-type vans to be stored there.  
16 That's what they use. Okay, this is very  
17 interesting. What they use is to collect boxes from  
18 customers. It's like a mid-size U-Haul van types.  
19 That's what they use. So they're going to store that  
20 so they won't leave it on the street.

21                  But for the trailers, I understand. This  
22 is an issue that I think that is still pending. The  
23 warehouse, I don't think this is the purview of this  
24 meeting. But the warehouse, we calculated that and  
25 we have the calculations. I'll be more than happy to

1 show it to you. The warehouse grounds or the parking  
2 for the loading area, can hold these trailers -- I  
3 mean, this container, a trailer with a container and  
4 can make like a U-turn inside the property.

5 So I think the last time because I was at  
6 that meeting. It's only like 130 feet from the  
7 street -- from the corner. So if you make a right  
8 turn, you don't need to go actually -- there's no  
9 need to go inside the neighborhood. Just make a turn  
10 and getting to the parking. Either into the parking  
11 to the left or the loading area to the right. And  
12 then make a U-turn or go around and then get out the  
13 same way to 27th Street. That's how it's going to  
14 happen.

15 The same thing with the utility vans.  
16 Except if one of those utility vans collecting the  
17 boxes from customers is in the neighborhood. That's  
18 basically the type of vehicles they use. I think  
19 most people in the vicinity, Camden and other  
20 locations, they have used the service. Myself, we  
21 have used that service. They can go to a regular  
22 parking to collect those boxes, small boxes to be  
23 shipped internationally.

24 CHAIRMAN HANCE: What I'm asking is, it  
25 is not a tractor trailer, correct?

1 MR. VID AL: Not for the parking. Not  
2 on the parking. It can haul a tractor trailer and go  
3 around. But the intention is to have cars for some  
4 customers or employees and the utility vans where  
5 they collect the boxes.

6 CHAIRMAN HANCE: So it will not be  
7 tractor trailers there?

8 MR. VID AL: No.

9 CHAIRMAN HANCE: I'm asking you this  
10 question because when at our last meeting, there will  
11 be no tractor trailers at all. It's suppose to be  
12 small vehicles or small trucks.

13 MR. VID AL: Yes, small vans. Small  
14 trucks. Yes, we can call them small trucks. You  
15 know the small trucks that, they don't detach. They  
16 don't detach. The body is like --

17 MR. BRITO BUENO: It's like a box truck?

18 MR. VID AL: Yeah. It's like a U-Haul.  
19 Those U-Hauls where you take your moving U-Haul-type  
20 vehicles. I think that's the largest vehicle that  
21 they're to store in that location, the parking.

22 CHAIRMAN HANCE: I'm asking the questions  
23 because I lived on Mitchell Street which is one block  
24 from Thompson Street.

25 MR. VID AL: Right.

1                   CHAIRMAN HANCE:  It's very small and  
2 narrow.  The restaurant that they're talking about,  
3 it used to be actually a bar which was Holmes's  
4 Lounge.  I lived there most of my life.  So this is  
5 why I'm saying, it's not a tractor trailer because I  
6 was just out there visiting family.  A tractor  
7 trailer did come by the tire place if you're familiar  
8 with the area.

9                   MR. VID AL:  Yes.

10                  CHAIRMAN HANCE:  And it had a hard time  
11 turning right back on to the main road.  So that's  
12 why I'm concerned.

13                  MR. VID AL:  Yes.

14                  CHAIRMAN HANCE:  So as long as it's going  
15 to be like a U-Haul truck or something of a van, yes,  
16 that would be good.

17                  MR. VID AL:  Thompson Street is 50 feet  
18 wide.  It's the same width of 27 Street actually.  
19 The problem is, if you go into the neighborhood.  But  
20 if you make a left or a right turn into the  
21 properties, according to the calculation of DOT, the  
22 Department of Transportation in New Jersey, it can  
23 make the turn inside the properties.

24                  Of course, those drivers they know how to  
25 do it.  But if they clip -- well, when the restaurant

1 was there, they got a bunch of stuff there. But  
2 right now if he uses it just for turning of those  
3 vehicles, it can be done. Because I can even show  
4 the Board how it's done. It clears the DOT  
5 measurements without getting into the neighborhood.

6 MR. BRITO BUENO: Can you show it to us,  
7 Mr. Vid Al?

8 MR. VID AL: If I may, I can show it to  
9 you.

10 CHAIRMAN HANCE: Yes.

11 MR. VID AL: Let me share my screen back  
12 again. You see, this is the warehouse. This is the  
13 warehouse plan. If you look at this turn, by DOT,  
14 all you need is 40 feet for those trailers to get in  
15 the property and out the same way. Because the  
16 street Thompson is 50 feet. It's the same width of  
17 27th. So it's only 130 feet from there. So that's  
18 where they make their turn into the property, and  
19 then go around and get out through the same gate.

20 The only thing about that gate, and I  
21 think that was the problem before, is that they need  
22 to widen the gate a little bit like 24, 25 feet so it  
23 can make that turn. I think Mr. Hernandez is  
24 planning to improve that gate. So any vehicle like  
25 that, can make that turn inside and then out.

1 Because that was the problem. If you don't have a  
2 gate, a rolling gate in this fashion, if you don't  
3 have that gate, then it's going to have a problem  
4 doing that. But if you have a gate that is more than  
5 24 feet, it can be done.

6 CHAIRMAN HANCE: So we're going back to  
7 the smaller vehicles and smaller trucks; am I  
8 correct?

9 MR. VID AL: Well, no. I'm talking about  
10 the warehouse loading area, loading big trucks. Only  
11 that area you can do that. I mean, you can do it in  
12 the parking but there's no need to do it in the  
13 parking because it's not -- that's not the intention  
14 to do it in the parking. The intention is to do it  
15 on this loading area.

16 CHAIRMAN HANCE: I want to say this to  
17 you. If you do it in the parking lot across the  
18 street, it can't be no cars parked there because  
19 that --

20 MR. VID AL: No, no, it cannot. The  
21 parking across the street is going to be -- it's  
22 going to be used just for cars and small trucks like  
23 U-Haul trucks. I call it U-Haul.

24 CHAIRMAN HANCE: My only question is,  
25 that it's not going to be tractor trailers. That's

1 the only answer, yes or --

2 MR. VID AL: No. There's no need to have  
3 tractor trailers inside. And besides, you can have a  
4 problem, you know, having cars and a tractor trailer  
5 making those turns inside the parking.

6 CHAIRMAN HANCE: I agree.

7 MR. VID AL: You need to clear the  
8 parking to do that. You need to clear the parking  
9 completely to do that.

10 CHAIRMAN HANCE: Thank you very much.

11 MR. VID AL: All right. Thanks. I can  
12 stop the Share.

13 MR. EINGORN: Any other questions from  
14 the Board? Does the applicant have anything else to  
15 add to the application? I know that the denial  
16 letter says, site plan approval is needed. Is the  
17 applicant requesting a site plan waiver?

18 MR. VID AL: That is correct.

19 MR. EINGORN: And other than re-striping  
20 and patching, is there any other improvements  
21 proposed for this property?

22 MR. VID AL: I think the lighting  
23 already -- the former parking, they have lighting. I  
24 think the lighting needs to be improved, of course,  
25 for nighttime. But I think it's a matter of changing

1 the fixtures because the bolts are already there.  
2 They had nice parking there with the lighting and  
3 stuff. So it needs to be refurbished. Whatever  
4 elements they have --

5 MR. BRITO BUENO: Mr. Vid Al, are they  
6 going to widened the gates? That's what you  
7 mentioned previously.

8 MR. VID AL: Not the parking. The  
9 parking is fine. It is the warehouse side. They are  
10 going to widened so that big trucks can get in.

11 MR. BRITO BUENO: How wide is that gate?

12 MR. VID AL: It's going to be like -- I  
13 think it's going to be 26. So when you have 26, it's  
14 fine. You can make like a 90-degree turn into any --

15 MR. BRITO BUENO: I know. I used to be a  
16 truck driver.

17 MR. VID AL: Okay. So you know that  
18 the bigger the better.

19 MR. BRITO BUENO: Yes.

20 MR. VID AL: The bigger the entrance is,  
21 the better so you don't need to maneuver and then  
22 back up the truck so you just go 90 degrees.

23 MR. BRITO BUENO: Yes.

24 CHAIRMAN HANCE: So you're going to have  
25 more lighting out there? Did I hear that correct?

1 MR. VID AL: Yes. The lighting was  
2 correct. I think the problem means that the fixtures  
3 need to be changed. They're outdated. But the actual  
4 fixture needs to be changed to guarantee that there's  
5 a lighting condition at nighttime.

6 CHAIRMAN HANCE: There's a lot of  
7 vegetation out there.

8 MR. VID AL: Of course it's being  
9 neglected and needs to be trimmed. The vegetation  
10 needs to be trimmed.

11 CHAIRMAN HANCE: And my last question is,  
12 the hour of business. What time is opening and  
13 closing? And are you open every day of the week or  
14 just weekdays?

15 MR. VID AL: The parking? I will let Mr.  
16 Hernandez to tell you about what are exactly the  
17 hours and how they are going to operate.

18 MR. HERNANDEZ: Nine to five.

19 CHAIRMAN HANCE: Thank you. Is that  
20 Monday through Friday or Monday through Sunday?

21 MS. PERALTA: I didn't understand what  
22 you said.

23 CHAIRMAN HANCE: Monday through  
24 Friday?

25 MR. HERNANDEZ: Monday through Saturday.

1 But Saturday is only a half a day until 2:00 p.m.

2 Sorry.

3 CHAIRMAN HANCE: Thank you.

4 MR. EINGORN: Any further questions from  
5 the Board? Any additional testimony from the  
6 applicant?

7 MR. VID AL: Counsel, I have a question  
8 because at the last meeting which I was not part of  
9 the proceedings; I was in another location. Mr.  
10 Hernandez has a concern. He is in a different  
11 location in Camden which is not suitable at these two  
12 sites that he acquired.

13 In the last meeting, the problem with the  
14 trucks getting in and out, I think there was a lack  
15 of information from the Board. Then the Board almost  
16 basically banned the trucks from getting into the  
17 neighborhood. These trucks, they don't have a need  
18 to get into the neighborhood. However, the Board  
19 imposed a condition that no trucks is going to get  
20 into either the parking or the warehouse.

21 So Mr. Hernandez has a dilemma. I know  
22 it's not -- this meeting is not for. But he has that  
23 dilemma right now that basically the way it works  
24 is, he needs to use the loading area for big trucks.  
25 Because by logistics, the logistics of the business

1 depends upon the security of those boxes and depends  
2 upon the operation and the loading of those trucks.

3           The trucks needs to be sealed, what is  
4 called the sealing of the container right on that  
5 location. And it needs to stand right on that  
6 location. You cannot go somewhere else because it  
7 compromises the security of those boxes going to  
8 another country. There have been a lot of incidents  
9 when that happens because anything can be put into  
10 those trucks.

11           And then when it gets to the customs in  
12 other countries, it may create a problem. So they  
13 need to insure that the truck, the container is still  
14 right on the premises. But Mr. Hernandez, the  
15 dilemma he has is like the Board has that condition  
16 for those trucks. And he doesn't know what to do  
17 right now. Because he doesn't want to, you know,  
18 circumvent the condition imposed by the Board. But I  
19 may hold the calculations inside the loading area and  
20 I think it was a lack of information on  
21 Mr. Hernandez's part. It should provide the  
22 clearance of the DOT turn into this area.

23           He is eager to move into the building and  
24 move his business there and do the right thing and  
25 serve the public and serve the customers. So the

1 question is, what does he have to do? He needs to go  
2 back to the Board and revisit the condition? Or you  
3 can grant that condition knowing that he won't use  
4 the parking for big trucks. So that's the question.  
5 That can be revisited this evening or he needs to go  
6 back to your Board just to revisit that condition.

7 MR. EINGORN: So that application has  
8 obviously already been heard and an action has  
9 already been taken. It can't be undone tonight.  
10 That's certainly something that the applicant has  
11 legal rights. He should consult an attorney of his  
12 own choosing. I can't give him legal advice. I  
13 represent the Board.

14 MR. VID AL: Right.

15 MR. EINGORN: But he can certainly hire  
16 an attorney and discuss those options and he's free  
17 to exercise those options. All right?

18 MR. VID AL: Okay. So in time he will  
19 revisit it. Okay. Thanks.

20 MR. EINGORN: In the interim if there's  
21 no further testimony related to the parking lot, is  
22 there anybody in the public that's appeared today to  
23 be heard on this application either in favor or  
24 against the requested use variance and site plan  
25 waiver to permit a parking lot for cars and trailers

1 at the property located at North South Thompson 104  
2 E. 27th Street?

3 Hearing no members of the public and  
4 seeing no electronically-raised or physically-raised  
5 hands, we'll close the public portion. Now is the  
6 time for the Board to raise any last questions,  
7 discuss the Positive and Negative Criteria related to  
8 use variance approvals and to otherwise, make a  
9 motion to approve or deny the application?

10 CHAIRMAN HANCE: On a positive note, I'm  
11 glad that someone has the property because it has  
12 been abandoned for a long time. And that's good. So  
13 Camden actually can move forward with filling in  
14 empty buildings that's been in distress for a long  
15 time. I'll just make this comment but I don't know  
16 if I can, but if you knew you needed tractor  
17 trailers, why did you dance around the issue when we  
18 had the first case? Just say what you have to say  
19 and go see where it goes from there. But I think  
20 it's a positive mode at that corner, both sides, is  
21 being utilized.

22 MS. ALSTON: My application says, parking  
23 lot for cars and trailers. That is what I'm looking  
24 at.

25 CHAIRMAN HANCE: Anyone else.

1 MS. ALSTON: Can you hear me?

2 CHAIRMAN HANCE: Yes.

3 MS. ALSTON: The application that I'm  
4 looking at says cars and trailers.

5 CHAIRMAN HANCE: Yes.

6 MS. ALSTON: And I think that we have  
7 decided before, that the whole reason not to allow  
8 the trailers was because of the traffic flow coming  
9 off and on to 27th Street, already a very busy  
10 street. And, also, the chances that these trailers  
11 will, at one point, go into the neighborhood as much  
12 as you may try or not try. I can see a parking lot  
13 for cars for some unloading and loading. I can see a  
14 van, a U-Haul van but a truck going into the lot and  
15 then maybe crossing over to behind a warehouse, and  
16 getting in there still presents the same issue.

17 Now, we went from maybe one container a  
18 week where people drop off and they were going to be  
19 moving the one container because maybe loading of the  
20 boxes and that has changed. I'm with Chairman Hance  
21 that this has progressed from the original  
22 application to what we are hearing today.

23 CHAIRMAN HANCE: That is correct. That  
24 application has already went through as small  
25 trucks. And we also have it on the record right now

1 that at this time, it will be no tractor trailers.  
2 It would be small trucks, small vans, small vehicles.  
3 So we can make that a condition if we pass.

4 MR. BRITO BUENO: If I may. For me as a  
5 former tractor trailer driver, I see another street,  
6 another corner, I don't see no problems making turns.  
7 It's only 130, 137 feet. I don't see it's going to  
8 be right deep inside the residential area to make a  
9 right or a left there. You just require a couple of  
10 minutes to move.

11 I used to drive in Philadelphia which,  
12 you know, the streets in Philadelphia, they're better  
13 now compared to this 27th & Thompson Street. I  
14 understand the concerns from Ms. Alston and Chairman  
15 Hance. But in my experience, and I guess the  
16 engineer demonstrated, it is doable the turn there.  
17 If they widened the gate even for down 26th, it's  
18 going to be easier to turn. That's my point there.

19 CHAIRMAN HANCE: Okay. A question. Have  
20 you been to the area and checked the area out  
21 personally?

22 MR. BRITO BUENO: Yes, I know the area.  
23 I lived on 21st Street. I pass that place almost  
24 every day.

25 CHAIRMAN HANCE: So you should know that

1 it's a two-way street. And it will take more time.  
2 And if someone parks on that street, it's going to be  
3 another issue.

4 MR. BRITO BUENO: I see your point, Mr.  
5 Hance.

6 CHAIRMAN HANCE: They have a tractor  
7 trailer parked there.

8 MR. BRITO BUENO: How many tractor  
9 trailers are we talking that's going to be in and out  
10 of the property?

11 MR. HERNANDEZ: It is once a week. And  
12 sometimes every 15 days. So there's no trailer going  
13 there every day or constantly. There's only one  
14 trailer that is being used to load everything once  
15 they have it ready in the warehouse. And then like I  
16 said, it depends how busy they are. It could be  
17 once a week but it could be every 15 days. Like  
18 right now, they're getting a trailer every 15 days  
19 because they're not that busy.

20 MR. VID AL: If I may, the question is  
21 that, if I may, Members of the Board, the problem  
22 with the trailers is that, the way it happens and  
23 then when Mr. Hernandez goes back and revisits this  
24 with all these data about the DOT and the sequence,  
25 and the protocols, and the logistics, this trailer,

1 it gets there in a time when there's not a lot of  
2 traffic.

3           So basically, there's no traffic because  
4 a trailer is simple. They place that piece of  
5 equipment, we will say a piece of equipment right  
6 there at the loading, then it's loaded until it's  
7 loaded. When it's time to leave then, you know, that  
8 truck comes and takes the trailer and then gets out  
9 through 27th Street & River Road and then to New  
10 York. That's how it happens. So there's no traffic  
11 of trailers going in and out other than one trailer  
12 until it is full of boxes and gets out the same way.

13           MR. BRITO BUENO: How big is the trailer?

14           MR. VID AL: Forty feet because that's  
15 the standard in a ship. You need a 40 feet standard  
16 trailer to be precise. They use that as standard.  
17 It's modular. You know like when you see the ships,  
18 they use that size.

19           MR. BRITO BUENO: I asked him because the  
20 applicant agreed that it's going to be hard to turn  
21 there.

22           CHAIRMAN HANCE: Kyle, they have to come  
23 back no matter what about the trailer, correct?

24           MR. VID AL: Right.

25           MR. EINGORN: Well, as it relates to the

1 loading and unloading at the warehouse property,  
2 they're going to have to exercise their rights  
3 another time. This is merely about the parking lot  
4 across the street.

5 MR. VID AL: About the parking, yes.

6 MS. ALSTON: I just want to add briefly  
7 that once we say yes to this zoning application, and  
8 it's great that Mr. Hernandez is moving to a bigger  
9 warehouse and his business is flourishing; however,  
10 if he decides to leave the property going forward,  
11 this is already going to be in place. The minute we  
12 say yes to the tractor trailer, that's what's going  
13 to continue on happening going forward.

14 MR. EINGORN: That's correct. Any  
15 variances you grant today, will run with the property  
16 after the applicant's sells it, if he sells it.

17 CHAIRMAN HANCE: We can't go with  
18 conditions out there --

19 MR. EINGORN: I'm sorry.

20 CHAIRMAN HANCE: -- tractor trailers and  
21 small trucks only?

22 MR. EINGORN: Yes, you can impose  
23 conditions.

24 CHAIRMAN HANCE: It says, cars and  
25 tractor trailers. Can we put cars and small trucks?

1 Ms. Alston, we can impose conditions as cars and  
2 small trucks until they come back.

3 MR. EINGORN: Any further discussion by  
4 the Board or do we need a motion?

5 CHAIRMAN HANCE: I will accept this with  
6 cars and smalls trucks. Not trailers.

7 MR. EINGORN: So a motion to approve with  
8 a condition that the property be limited to cars and  
9 trucks?

10 CHAIRMAN HANCE: Cars and smalls trucks.  
11 I make the motion.

12 MS. MERRICKS: I second.

13 MR. EINGORN: I will take a roll-call  
14 vote. Chairman Hance.

15 CHAIRMAN HANCE: Yes.

16 MR. EINGORN: Ms. Atwood.

17 MS. ATWOOD: Yes.

18 MR. EINGORN: Ms. Merricks.

19 MS. MERRICKS: Yes.

20 MR. EINGORN: Ms. Alston.

21 MS. ALSTON: Yes.

22 MR. EINGORN: Mr. Brito Bueno.

23 MR. BRITO BUENO: Yes.

24 MR. EINGORN: Having five in favor and  
25 none opposed, the motion with conditions has passed.

1 Thank you, gentlemen and ma'am.

2 MR. VID AL: Thank you.

3 MR. EINGORN: Mr. Rhone, are you ready to  
4 go?

5 MR. RHONE: Yes.

6 MR. EINGORN: So the next matter we'll  
7 hear tonight will be Cooper Cancer Center. As I had  
8 previously discussed, I do have a conflict of  
9 interest so I will step out for this one and Mr.  
10 Rhone will take over. We appreciate your help.

11 MR. RHONE: No problem. I appreciate you  
12 calling on here. Good evening Board members.

13 CHAIRMAN HANCE: Good evening.

14 MS. ALSTON: Good evening.

15 MR. BRITO BUENO: Good evening.

16 MR. RHONE: Ms. Moore-Johnson, do you  
17 need to be sworn in?

18 MS. MOORE: Yes, please.

19 - - -

20 DENA MOORE JOHNSON, P.E., C.M.E., having  
21 first been duly sworn/affirmed, was examined and  
22 testified as follows:

23 - - -

24 MR. RHONE: As stated, next up we have  
25 Cooper Cancer Center, Incorporated. Use variance for

1 signage. Do we have the applicant available?

2 MR. WELLS: Yes. Good evening ladies and  
3 gentlemen and Mr. Rhone, my name is Richard Wells  
4 from Archer & Greiner on behalf of the applicant.

5 MR. RHONE: As I have it here on the  
6 agenda per the review, the applicant was previously  
7 granted a use variance approval, a waiver and a site  
8 plan back in 2014 for the installation of a  
9 billboard. And now you seek approval for two new  
10 facade signs to be mounted on the southern side of  
11 the nine-story parking garage. The existing  
12 billboard shall remain and you now need a use  
13 variance to permit off-site signage at the MD  
14 Anderson Cancer Center at 2 Cooper Plaza.

15 MR. WELLS: That is correct.

16 MR. RHONE: Mr. Wells, do you want me to  
17 swear in your professionals now or do you just want  
18 to do that as you call them?

19 MR. WELLS: We can just do that as  
20 they're called just so it breaks it up a little bit.  
21 I don't think that'll be an issue.

22 MR. RHONE: All right. I'll leave it to  
23 you.

24 MR. WELLS: Okay. Thank you very much.  
25 Good evening once again, ladies and

1 gentlemen, Richard Wells here from Archer  
2 & Greiner. As was mentioned, we're seeking use  
3 variance approval for what is technically off-site  
4 signage at the MD Anderson Cancer Center, as well as  
5 an addition of a Cooper Logo at the existing parking  
6 garage known as 3 Cooper Plaza.

7 I have three witnesses with me here  
8 tonight. And first I'll call Ms. Jennifer O'Shea,  
9 the applicant's representative who we can have sworn,  
10 just to give us a little bit of information about why  
11 we're proposing these signs and what we'd like them  
12 to be where they are. Ms. O'Shea, you're with us?

13 MS. O'SHEA: Yes, I am.

14 MR. WELLS: Mr. Rhone, would you like me  
15 to swear Ms. O'Shea in or would you like to do so?

16 MR. RHONE: I will.

17 - - -

18 JENNIFER O'SHEA, NCIDQ, having first been  
19 duly sworn/affirmed, was examined and testified as  
20 follows:

21 - - -

22 MR. WELLS: Thank you very much.

23 Ms. O'Shea, could you tell the Board what  
24 your position is with Cooper?

25 MS. O'SHEA: Good evening. My name is

1 Jennifer O'Shea. I'm the director of design and  
2 construction at Cooper University Healthcare.

3 MR. WELLS: And tell us a little bit  
4 about your day-to-day. What are your  
5 responsibilities in that position?

6 MS. O'SHEA: Sure. Thank you. I am  
7 responsible for the oversight of construction here in  
8 Camden. Anything happening within the Cooper Campus,  
9 interior an exterior.

10 MR. WELLS: Is it safe to say then,  
11 you're familiar with both the Anderson Center as well  
12 as the site at 3 Cooper Plaza?

13 MS. O'SHEA: Yes.

14 MR. WELLS: And you're familiar with the  
15 signage proposal that's the subject of this  
16 application today?

17 MS. O'SHEA: Yes.

18 MR. WELLS: So without going through  
19 every single thing that Cooper does, they offer a  
20 variety of medical services for the area, right?

21 MS. O'SHEA: That's correct.

22 MR. WELLS: Are those services located in  
23 one building or how are they spread out?

24 MS. O'SHEA: Sure. The campus is  
25 composed of multiple buildings. MD Anderson Cancer

1 Center is one building located at 2 Cooper Plaza.  
2 The Cancer Center is a four-story building and we see  
3 on average about 3,100 patients monthly per month.  
4 And we are looking for signage to help our visitors  
5 that are coming to Camden and attempting to go to the  
6 building for their first time.

7 MR. WELLS: And when you say your  
8 visitors or your patients, do these services, are  
9 they provided to both Camden residents as well as  
10 patients regionally?

11 MS. O'SHEA: Oh definitely. There are  
12 patients that we see from all over New Jersey,  
13 Southern New Jersey, as well as patients coming from  
14 all different areas of the country.

15 MR. WELLS: And just so we know a little  
16 bit more context about the Anderson Center itself, it  
17 is a cancer center. And I think we understand  
18 generally what that is. What goes on at that center?  
19 What type of treatment is provided?

20 MS. O'SHEA: Sure. It is an out-patient  
21 facility. The services that are provided are all  
22 cancer-center based. They include things such as  
23 infusion, radiation oncology, outpatient office  
24 visits for patients that are coming back for their  
25 checkup. Patients that are coming here for the very

1 first time that are trying to find out if they  
2 actually have cancer or not. There's cancer-related  
3 interventional radiology-types of services. So a  
4 whole variety of cancer treatments within this  
5 building.

6 MR. WELLS: Thank you. Before we get  
7 into any more discussion about the signage, if I  
8 could request screen-sharing capability, I'll pull up  
9 our exhibit, what I'll mark as Exhibit A-1 which is  
10 our daytime signage rendering.

11 MR. RHONE: I'll wait for the Board  
12 Secretary to grant you that.

13 MS. MUHAMMAD: You should be able to  
14 screen share.

15 MR. WELLS: Okay. I am not seeing that  
16 option show up. Here we go. Can everybody see that?

17 CHAIRMAN HANCE: Yes.

18 MR. WELLS: Thank you. Again, I'll mark  
19 that as our Exhibit A-1 which is our daytime signage  
20 rendering.

21 MS. O'Shea, we mentioned before we have  
22 two components, I guess, of this sign proposal. One  
23 being the MD Anderson Cancer Center with Cooper next  
24 to it. And the second being the Cooper logo on the  
25 top of the elevator shaft. Is that consistent with

1 your understanding?

2 MS. O'SHEA: Yes, that is.

3 MR. WELLS: And first with respect to the  
4 'C' or the Cooper 'C' logo, you mentioned that the MD  
5 Anderson Center is part a greater Cooper University  
6 Campus or Cooper Hospital Campus. Does that 'C' help  
7 promote consistency overall of the Campus that you  
8 described?

9 MS. O'SHEA: It does. The letter 'C' is  
10 the Cooper logo that we have on our buildings in  
11 various locations.

12 MR. WELLS: And that's not just within  
13 the Camden Center campus but other buildings  
14 throughout the region as well?

15 MS. O'SHEA: That's correct. On our  
16 Voorhees campus; other Cooper locations that we have,  
17 ambulatory locations.

18 MR. WELLS: And is the intention of the  
19 Anderson Cancer Center sign to help identify this  
20 specific subset of Cooper services?

21 MS. O'SHEA: That's exactly right. From  
22 this location, this view is taken from 676. And  
23 coming in, we are trying to help provide some  
24 recognition for MD Anderson to the patient, so that  
25 the visitors and patients understand that they're

1 headed in the right direction; that they are actually  
2 headed towards MD Anderson Cancer Center at Cooper by  
3 seeing that signage.

4 MR. WELLS: And you mentioned 676. Is it  
5 safe to say that most of your patients use 676  
6 from one direction or the other to get into the  
7 campus?

8 MS. O'SHEA: Yes.

9 MR. WELLS: Would you agree that from 676  
10 north, is the Anderson Center technically behind this  
11 parking garage that we're seeing as Exhibit A-1?

12 MS. O'SHEA: That's correct. You don't  
13 see the MD Anderson building, 2 Cooper Plaza from  
14 676. You see this building which is our Haddon  
15 garage.

16 MR. WELLS: And that's not an issue from  
17 676 south. The visibility is fine and that's why  
18 we're focusing on this end; is that accurate?

19 MS. O'SHEA: That's correct.

20 MR. WELLS: In your opinion and based on  
21 your experience with helping Cooper develop its  
22 facilities, is this proposed location basically the  
23 best alternative or the best option to help patients  
24 locate both Cooper and the MD Anderson Center?

25 MS. O'SHEA: Yes.

1 MR. WELLS: And once they do generally  
2 recognize that they're going in the right direction,  
3 that's when they can exit and use some of the more  
4 local directional signage; is that right?

5 MS. O'SHEA: Correct.

6 MR. WELLS: Now, there is an existing  
7 Cooper channel sign where I'll point to where the  
8 proposed red Cooper logo is proposed to go. That  
9 channel sign is being removed; is that right?

10 MS. O'SHEA: That's correct.

11 MR. WELLS: And this proposed signage is  
12 more consistent with Cooper's overall imaging?

13 MS. O'SHEA: Yes. That existing sign is  
14 white so it's rather hard actually to -- there's very  
15 little contrast between the building and the white  
16 sign. So it can be very easily missed. So the  
17 proposed sign falls more in line with the signage  
18 that's on the rest of our building.

19 MR. WELLS: What I will do is, I will  
20 move to what I'd like to mark as Exhibit A-2 which is  
21 our nighttime signage rendering. Is that coming up  
22 for everybody?

23 CHAIRMAN HANCE: Yes.

24 MR. WELLS: Ms. O'Shea, this is what the  
25 proposed sign package is planned to look like at

1 night; is that accurate?

2 MS. O'SHEA: That's correct.

3 MR. WELLS: We will notice that the  
4 channel lighting in the signage is now white;  
5 whereas, during the day it was proposed to be red.  
6 Is that an accurate representation of the only color  
7 change that's proposed here?

8 MS. O'SHEA: That's correct.

9 MR. WELLS: So these signs aren't  
10 proposed to blink or change copy in any other way?

11 MS. O'SHEA: Not at all.

12 MR. WELLS: And as we mentioned before,  
13 this is technically off-site signage because the MD  
14 Anderson Center is in a different building than this  
15 parking garage. Is it your understanding that the  
16 Anderson Center is directly adjacent to this garage?

17 MS. O'SHEA: Yes.

18 MR. WELLS: So it's off-site technically.  
19 But we're not proposing signage for something that's  
20 across town, right?

21 MS. O'SHEA: Correct.

22 MR. WELLS: The Board Engineer requested  
23 some additional information be added to our signage  
24 plan. Namely, that was the square footage of the  
25 existing billboard. Again, we're not proposing to

1 change that. But a detail to add to the plans. We  
2 were requested to add applicant and ownership detail  
3 for the properly, as well as a signature block for  
4 the Board Chair and Board professionals. Do you have  
5 any objection to adding those items to the proposed  
6 sign plan as a condition of approval.

7 MS. O'SHEA: Not at all.

8 MS. MOORE: Mr. Wells, can we just go  
9 through my letter really quickly after you present  
10 whatever testimony you have. And then I can get that  
11 testimony after each comment that we have so I'll  
12 note it in the record. And we can get the use  
13 variance testimony on record which is of most  
14 importance.

15 MR. WELLS: Absolutely. Would you like  
16 me to proceed with our last two witnesses and then we  
17 can go through your letter or what would you prefer?

18 MS. MOORE: I prefer if we can go through  
19 the letter and maybe your next witnesses can go ahead  
20 and provide whatever testimony so that we can just  
21 respond to the letter. Is that okay, Chairman?

22 CHAIRMAN HANCE: Yes.

23 MR. WELLS: Absolutely.

24 MS. MOORE: Is that enough background you  
25 believe that you want to add at this point before we

1 go to the letter?

2 MR. WELLS: Maybe it wouldn't hurt just  
3 to have our sign contractor just explain what these  
4 are. I think we gave a little bit of that background  
5 already. Then I'll get out of your way.

6 MS. MOORE: Okay.

7 MR. WELLS: Mr. Doerle, are you with us?

8 MR. DOERLE: Yes, I am.

9 MR. WELLS: Mr. Rhone, can you swear in  
10 Mr. Philip Doerle?

11 MR. RHONE: Sure.

12 - - -

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

16 - - -

17 MR. WELLS: Mr. Doerle, can you explain  
18 which company you are with?

19 MR. DOERLE: I'm actually the owner of  
20 Compass Sign Company and we've been working there in  
21 the community for over 16 years in Camden.

22 MR. WELLS: So you not only designed this  
23 sign package, but you've designed all of Cooper's  
24 other signage packages as well?

25 MR. DOERLE: Pretty much all of it, yes,

1 I did.

2 MR. WELLS: What I'll do is, I'll flip  
3 back to Exhibit A-1. I just want to give a little  
4 bit more background about what type of signs these  
5 are; how they're going to be lit; and the level of  
6 lighting just so we can have that context while we  
7 review the engineer's letter. Can you just describe  
8 the composition of these signs for us, please?

9 MR. DOERLE: Certainly. Both elevations  
10 are in line with the other signs on the campus on  
11 various buildings including especially MD Anderson's  
12 building. So they're channel letters with acrylic  
13 faces. I'll say it's understated lighting so it  
14 doesn't compete for your attention. It's just there.  
15 It's meant to be subtle and not punch-you-in-the-face  
16 with its illumination. We kept the lumen level low  
17 so that it wasn't glaring in your eyes or annoying  
18 people on 676. So the LEDs were able to dial them  
19 back and keep them more understated.

20 MR. WELLS: And when designing the sign  
21 package, both the proposed location and the sign,  
22 would you agree with Ms. O'Shea that the proposed  
23 location is the best possible vantage point for this  
24 building in this direction?

25 MR. DOERLE: Absolutely.

1           MR. WELLS: And did you also take into  
2 account the distance of Route 676 as well as the  
3 speed of the vehicles traveling on 676?

4           MR. DOERLE: Yes, we did.

5           MR. WELLS: I have no further questions  
6 for Mr. Doerle. Ms. Johnson, I'd be happy to go  
7 through your letter.

8           MS. MOORE: Okay. Did you want to keep  
9 sharing the screen while we go through the letter.

10          MR. WELLS: No.

11          MS. MOORE: Mr. Chairman, I'm referring  
12 to Remington & Vernick's letter dated September 6,  
13 2022. Starting on page two with Zoning requirements  
14 and the use.

15                 The applicant's proposed signage is a  
16 permitted accessory use of the MS Zone and the Cooper  
17 Plaza Redevelopment Area. The applicant requests a  
18 "d(1)" variance to allow off-site signage to  
19 advertise a business that is located at 2 Cooper  
20 Plaza.

21                 The applicant has the burden of  
22 demonstrating "Special Reasons" for granting the use  
23 variance as well as offering an "enhanced quality of  
24 proof" which states that the variance is not  
25 inconsistent with the intent and purpose of the

1 Master Plan and Zoning Ordinance which is the  
2 Positive Criteria. The applicant should also  
3 demonstrate that the requested relief can be granted  
4 without substantial detriment to the public good and  
5 will not impair the intent and purpose of the Zone  
6 Plan and Zoning Ordinance which is the Negative  
7 Criteria.

8           So I mention in the letter, we have the  
9 different prongs with the Negative and Positive  
10 Criteria. But testimony should be provided as to why  
11 the proposal will not impair the intent and purpose  
12 of the MS Zone and the City Master Plan. So through  
13 that testimony under page three, the Use Variance  
14 Comments, the applicant should address the impact of  
15 the application on the following: That's  
16 compatibility of the propose use with the surrounding  
17 uses and mitigating factors for the use variance.  
18 The applicant should address the following items for  
19 the Board to be able to evaluate the impact of the  
20 proposed application on the neighboring properties  
21 and the City.

22           So the Use Variance testimony should  
23 include that the use will not injure or detract from  
24 the use of neighboring property; that the use will  
25 not detract from the character of the neighborhood;

1 that the use of property adjacent to the area  
2 included in the plan is adequately safeguarded; that  
3 the property is suitable for the intended use; that  
4 the use will serve the best interest of the City.

5 That the use will not adversely affect  
6 public sewers and facilities such as water, sewer,  
7 police and fire protection; that the use will not  
8 adversely affect the drainage facilities in the  
9 adjacent neighborhood; and that the use will not  
10 adversely affect the safe flow of highway traffic and  
11 that adequate roadway accesses are provided to  
12 protect roadways from undue congestion and hazards.

13 So some of these may not be applicable  
14 but others if you can please address in your  
15 testimony. For the use testimony, would you like to  
16 continue with the site plan portion for the general  
17 comments? And then at the very end, go through with  
18 the use variance?

19 MR. WELLS: Sure. That would helpful. I  
20 do have Mr. McPeak with us, our planner, so we  
21 could --

22 MS. MOORE: Okay. We'll do that at the  
23 end?

24 MR. WELLS: Yes.

25 MS. MOORE: General Comments, again, on

1 page three. Per the Redevelopment Plans, signs for  
2 nonresidential uses are limited to 1 square foot of  
3 sign area for every 2 linear feet of building street  
4 frontage with an upper limit of 40 square feet. A  
5 variance will be necessary to exceed the permitted  
6 sign area and allow 805.94 square feet of signage in  
7 addition to the existing billboard. So you're  
8 requesting that variance, correct?

9 MR. WELLS: Correct. Thank you.

10 MS. MOORE: Per the Redevelopment Plan,  
11 signs for nonresidential uses are limited to 5 feet  
12 in height, whereas up to 15 feet is proposed. A  
13 variance is necessary. You're also requesting that  
14 variance, correct?

15 MR. WELLS: Correct.

16 MS. MOORE: Per Section 870-132.D, signs  
17 in the MS zone are subject to the requirements of  
18 Section 870-253. Per Section 870-253.C(37), signs or  
19 billboards which advertise or promote a business or  
20 service that is not available on the lot upon which  
21 the sign is isolated, are prohibited. So by virtue of  
22 the use, you would be granted that approval.

23 Per Section 870-132.D, referencing  
24 Section 870-253.Q(12), wall signs in the MS zone have  
25 a maximum letter height of 6 feet, whereas it appears

1 7 feet is proposed. A variance will be necessary.  
2 Once, again, that sign letter height. So you're  
3 requesting that variance.

4 Total sign square footage, including  
5 existing billboard, should be provided. So should  
6 this be approved on revised plans, you would submit  
7 that total square footage, correct?

8 MR. WELLS: Absolutely.

9 MS. MOORE: Page 1 of the plans should  
10 include the applicant's/owners name and address and  
11 project address and block number and lot number.  
12 You'll also add that information?

13 MR. WELLS: Yes.

14 MS. MOORE: And also the signature block  
15 that we requested for page one for signatures of the  
16 Zoning Board Chairman, Zoning Board Secretary, Zoning  
17 Board Engineer and the Zoning Officer/Administrative  
18 Officer.

19 MR. WELLS: Yes.

20 MS. MOORE: And the applicant and owner  
21 are reminded that site safety is their  
22 responsibility. The plans should note that "The  
23 owner or his representative, is to designate an  
24 individual responsible for construction site safety  
25 during the course of site improvements pursuant to

1 N.J.A.C. 5:23-2.21 (e) of the N.J. Uniform  
2 Construction Code and CFR 1926.32 (f) the (OSHA  
3 Competent Person)". You'll add that note to the  
4 plans specifically?

5 MR. WELLS: Yes.

6 MS. MOORE: The Summary of Variances and  
7 Waivers being requested with this application in  
8 addition to the use, we have off-site signage which  
9 is the use. And then the sign letter height.

10 And also, the Redevelopment Plan, those  
11 need to be noted. Those were just sections from the  
12 Ordinance. So in the Redevelopment Plan, it's also  
13 the sign height. And the first one we mentioned for  
14 the Redevelopment Plan which is the square footage,  
15 total square footage. Correct?

16 MR. WELLS: Yes.

17 MS. MOORE: So it's two from the  
18 Redevelopment Plan and two from the Ordinance. No  
19 waivers. And you're aware of the approval process as  
20 listed on page 4 and 5. If you have any questions  
21 regarding that, you could contact our office. And I  
22 have no other outside agency approvals. Are you  
23 aware of any outside agency approval?

24 MR. WELLS: We're not aware of any  
25 outside agency approvals either. Of course, we'll

1 double check that. But we'll provide whatever  
2 confirmations you need.

3 MS. MOORE: Okay. Thank you.

4 So that concludes our review. We'll just  
5 take the testimony now from your planner, please.  
6 Thank you.

7 MR. WELLS: Thank you, Ms. Johnson. I  
8 will now call Mr. Brian McPeak to address the  
9 planning and use-related comments for the  
10 application. Mr. McPeak, are you with us?

11 MR. McPEAK: Yes, I am.

12 MR. RHONE: How are you doing, Mr.  
13 McPeak?

14 MR. McPEAK: Fine. Thank you.

15 MR. RHONE: I'll swear you in.

16 - - -

17 BRIAN McPEAK, P.P., having first been  
18 duly sworn/affirmed, was examined and testified as  
19 follows:

20 - - -

21 MR. RHONE: You may proceed.

22 MR. WELLS: Mr. McPeak, are you a  
23 licensed professional planner in the State of New  
24 Jersey?

25 MR. McPEAK: Yes, I am.

1                   MR. WELLS: And is your license in good  
2 standing?

3                   MR. McPEAK: Absolutely. I've also  
4 appeared before this Board as well as Camden's  
5 Planning Board.

6                   MR. WELLS: Thank you. Are you familiar  
7 with the site that's the subject of this  
8 application?

9                   MR. McPEAK: Yes, I am, very much.

10                  MR. WELLS: Are you familiar with the  
11 City's Zoning Ordinance and Master Plan as they  
12 relate to this property?

13                  MR. McPEAK: Yes, I am, as well as the  
14 Redevelopment Plan.

15                  MR. WELLS: Mr. Chairman, if you have no  
16 objection, I'd like to qualify Mr. McPeak as the  
17 applicant's professional planning expert?

18                  CHAIRMAN HANCE: Yes.

19                  MR. McPEAK: Thank you.

20                  MR. WELLS: Mr. McPeak, just as an  
21 initial matter, we mentioned before, we're seeking  
22 use variance relief based upon this technically being  
23 off-site signage due to the MD Anderson component of  
24 the signs. I guess we'll start there. And could  
25 walk us through your analysis of how we meet the

1 Positive and Negative Criteria as outlined by the  
2 Board's planner review?

3 MR. McPEAK: Absolutely. So with regard  
4 to the "Special Reasons" which the Board just had  
5 outlined, I would note that as Ms. O'Shea indicated  
6 in her testimony and I concur with it. The location  
7 of this signage is particularly suited to the need  
8 that Cooper has identified in terms of providing  
9 information to visitors and patients and others  
10 seeking to find the MD Anderson facility and helping  
11 them arrive at their destination safely. And as  
12 such, I think it does meet the initial element of the  
13 "Special Reasons" test for a use variance which is,  
14 of course, particular suitability.

15 In addition, in providing that function  
16 as a professional planner, I would tie that to the  
17 purposes of planning under the statute specifically.  
18 The first statutory purpose which is in short to  
19 promote development that advances public health,  
20 safety, morals and general welfare. Way-finding and  
21 making sure that people can get from Point A to Point  
22 B in a way that is safe and secure is, in my mind, an  
23 integral part of that purpose of planning. So I  
24 think this application clearly supports that purpose  
25 of planning, as well as not only the applicant's

1 interest but the City's interest in way-finding in  
2 this area.

3           With regard to the Negative Criteria, I  
4 would observe based on my understanding of the area,  
5 my experience in this area, some research that we've  
6 done, that the signage in this particular matter is  
7 really quite well-suited in its location in that it  
8 serves the function that we just discussed providing  
9 information to people principally on Interstate 676.  
10 Whereas, at street level and in the adjacent  
11 neighborhood, the signage is largely obscured by  
12 existing structures.

13           There are small areas along Haddon Avenue  
14 right as you come through the overpasses where I-676  
15 crosses where you can see the signage. But most of  
16 the neighborhood, the walkable portions of the  
17 neighborhood, the sidewalks in the area, this signage  
18 is not directed at them and is largely not visible to  
19 them. So thinking in terms of, for example, the  
20 Redevelopment's Plan, architectural guidelines speak  
21 to the importance of a cohesive-built environment in  
22 this area. And I see nothing in this signage that  
23 would interrupt a cohesive nature of the built  
24 environmental in this area.

25           So I see no meaningful impact to the

1 visual esthetic at the street level. It really  
2 serves the purpose of capturing regional attention  
3 for people seeking to find this location without  
4 disrupting the day-to-day experience of pedestrians  
5 and even drivers at a street level. They have other  
6 queues and mechanisms of getting information about  
7 where they need to go other than this signage.

8           So I don't see a detriment from a visual  
9 esthetic standpoint which would be as a planner, the  
10 principal concern that a planner would have in a use  
11 variance like this. And to expand on potentially  
12 Negative Criteria as the review letter indicates, we  
13 don't have a use, as I've just discussed, that will  
14 injure or detract from neighboring properties. It  
15 think it's largely obscured from those neighboring  
16 properties. It won't detract from the character of  
17 the neighborhood as I've just described. It will  
18 safeguard the adjoining uses.

19           I would note in that regard the adjoining  
20 properties on this side of the right-of-way are  
21 largely Cooper properties. All of the development in  
22 the Cooper side of things is, of course, coordinated  
23 internally because they have every desire and want to  
24 make sure that all those uses function well  
25 together.

1           I would argue as I have, that the  
2 property is suitable is for the intended use in this  
3 case. As we've talked about technically, it's  
4 off-site advertising because the MD Anderson facility  
5 is on a separate parcel. But from a layperson's  
6 standpoint and for most people that experience this  
7 area, it's really part of the Cooper campus. And the  
8 signage is adequately keyed to the other signage that  
9 is used in the Cooper campus as we've heard tonight.  
10 And all of that gives a cohesive hold to the  
11 character of the facility.

12           As we've noted, there are many patients  
13 of the facility come from this City, visitors come  
14 from the City. I think it's also in the best  
15 interest of not only the regional travelers that are  
16 destined for this location but also the City's  
17 travelers, some of which will likely use 676. Others  
18 would not. Regardless, their interests were served  
19 by the way-finding component of this.

20           A sign doesn't generate sewerage or water  
21 demand, police, fire protection so those are not  
22 adverse. There's no drainage or stormwater impact so  
23 I think as to those two issues, there is no  
24 question that there's no adverse impacts. And we  
25 also heard that the sign designers speak to the

1 design of the signage and how it incorporates  
2 the characteristics of drivers on the highway.

3           So I don't think we've got even a  
4 potentially adverse impact relating to the signage  
5 from that standpoint either. So certainly from the  
6 standpoints of the Positive and Negative Criteria.  
7 For the use variance, my opinion is that the  
8 applicant has met the burden of proof here and the  
9 Board is well within their jurisdiction to approve  
10 the use variance.

11           MR. WELLS: Thank you, Mr. McPeak. And  
12 my final question to the extent we would undergo a  
13 separate analysis for the bulk variances that are  
14 associated as well, would you feel comfortable  
15 incorporating those statements of proof into what we  
16 would otherwise put on for the application with  
17 respect to the bulk variance relief?

18           MR. RHONE: Yes, that would be fine.

19           MR. WELLS: Thank you.

20           There's no further questions from our  
21 end. I'd be happy to answer any questions from the  
22 board as well.

23           MR. RHONE: Mr. Chairman, in absence of  
24 any comment or questions from the Board, I'd  
25 entertain a public comment at this time. Opening up

1 the meeting up to the public here. With the lack of  
2 any hands raised, I bring it back to the Board for a  
3 motion to be put on the floor to accept or deny the  
4 request. Mr. Chairman, you are on mute.

5 CHAIRMAN HANCE: I am sorry. I think  
6 it's a positive note to have a signage in Camden and  
7 then actually on one-way streets. I think it's great  
8 to have a sign to direct the patients and the  
9 visitors to Cooper Hospital. And I think it's a  
10 Positive flag when it turns from red to white. So  
11 that's accommodating so I like that. It's a great  
12 idea.

13 MR. RHONE: Mr. Chairman, I know that may  
14 have been difficult for the court reporter to get  
15 that all on the record. I think it might have been  
16 garbled on her end as well.

17 THE REPORTER: Yes.

18 MR. RHONE: But I guess the summary of  
19 that was, that it's a positive sign for lack of a  
20 better word, to have this up in furtherance of what  
21 Cooper's mission is, correct? Mr. Chairman, are you  
22 there? I think we're losing him. He lost his video  
23 as well even though it's still enabled. I don't know  
24 if you're on WIFI, if you can get closer to your  
25 router at all.

1                   CHAIRMAN HANCE: Any other Board  
2 members?

3                   MR. RHONE: I believe he said, any other  
4 Board members have any comment before putting a  
5 motion up? Can we get a motion on the floor?

6                   MS. ALSTON: I make a motion to approve.

7                   MR. BRITO BUENO: Second.

8                   CHAIRMAN HANCE: Yes, that is correct.

9                   MR. RHONE: Thank you. So a motion and a  
10 second to approve is on the floor.

11                  CHAIRMAN HANCE: Am I clear? Can you  
12 hear me now?

13                  MR. RHONE: Yes. I think we're going to  
14 try to take roll call at this point. Madam  
15 Secretary, are you able to take roll call?

16                  MS. MUHAMMAD: Yes, sir. Chairman Hance.  
17 We'll circle back.

18                  Ms. MUHAMMAD: Ms. Atwood.

19                  MS. ATWOOD: Yes.

20                  MS. MUHAMMAD: Ms. Alston.

21                  MS. ALSTON: Yes.

22                  MS. MUHAMMAD: Ms. Merricks.

23                  MS. MERRICKS: Yes.

24                  MS. MUHAMMAD: Mr. Brito.

25                  MR. BRITO BUENO: Yes.

1 MS. MUHAMMAD: Mr. Hance, do we have you?

2 CHAIRMAN HANCE: Motion with the  
3 variances?

4 MR. RHONE: Mr. Hance, were you able to  
5 get your video working? If you can somehow wave your  
6 in the affirmative?

7 CHAIRMAN HANCE: Yes.

8 MR. RHONE: I believe I heard a yes.  
9 Regine, did you hear yes?

10 THE REPORTER: Correct. Yes.

11 MS. MUHAMMAD: That's five.

12 MR. RHONE: All right. The motion  
13 passes.

14 MR. WELLS: Thank you very much, ladies  
15 and gentlemen.

16 MR. RHONE: Thank you, Mr. Wells. You  
17 all take it easy.

18 MS. O'SHEA: Thank you.

19 MR. RHONE: Thank you for having me.  
20 Board, you have a pleasant evening.

21 MR. EINGORN: If you reach out to me and  
22 send me an email and I'll send you the Resolution.

23 MR. RHONE: I couldn't hear.

24 MR. EINGORN: Counselor, if you reach out  
25 to me later tonight or tomorrow, I'll send you a form

1 for the Resolution. Mr. Rhone?

2 MR. RHONE: Yes, I can hear you.

3 MR. EINGORN: If you send me an email, I  
4 will forward you the forms for the Resolutions.

5 MR. RHONE: Okay. I appreciate it.

6 MR. EINGORN: Have a great night.

7 MS. MOORE: Excuse me, Kyle, I'm heading  
8 out also.

9 MR. EINGORN: Very good. It was nice to  
10 see you.

11 MS. MOORE: Good seeing you too. See you  
12 Board members and public. Good night.

13 CHAIRMAN HANCE: Did you see my 'yes'  
14 vote?

15 MR. EINGORN: We got you. Your vote has  
16 been registered, Chairman Hance.

17 The next matter is Rodrigo Gonzalez, 3821  
18 Westfield Avenue. This is a continued matter from  
19 last month. Is Mr. Gonzalez available?

20 MS. PERALTA: I'm sorry. We didn't hear  
21 you.

22 MR. EINGORN: That's okay. We're ready  
23 to go if you are. Are you ready?

24 MS. PERALTA: Yes.

25 MR. EINGORN: If the applicant could

1 raise his right hand.

2 MR. GONZALEZ: Yes.

3 - - -

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

7 - - -

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

10 MR. GONZALEZ: Rodrigo Gonzalez, 3713  
11 Westfield Avenue.

12 MR. EINGORN: Great. You can put your  
13 hand down. As the Board will recall, this was a  
14 request for a bulk variance and a use variance for a  
15 rooftop sign. When we were last here, we asked the  
16 applicant to come back with some photographs of the  
17 property specifically one where we could see the  
18 front of the property.

19 I think we looked at Google Maps and the  
20 property was blocked by a truck of some sort. I do  
21 see that a colored photograph has been provided. Do  
22 you just want to give the Board just a quick rundown  
23 of what you're requesting and the description of your  
24 bakery and the signage?

25 MS. PERALTA: Can I help him out,

1 Kyle?

2 MR. EINGORN: You can just maybe give a  
3 brief translation. Maybe tell the applicant to tell  
4 us about his application and you can just translate  
5 for us.

6 MR. GONZALEZ: I want to be able to put  
7 the sign on top of the roof of the business, of the  
8 business entrance.

9 MR. EINGORN: This is a pre-existing  
10 bakery?

11 MR. GONZALEZ: Yes.

12 MR. EINGORN: I believe last time when we  
13 were here, the applicant agreed he would remove the  
14 signage from the front window upon construction of  
15 the rooftop sign?

16 MR. GONZALEZ: Correct.

17 MR. EINGORN: Is there anything else the  
18 applicant wants to add?

19 MR. GONZALEZ: No. That's the only  
20 request that I have right now.

21 MR. EINGORN: Has the Board had a chance  
22 to review the photographs that were provided by the  
23 applicant? Is there any questions for the applicant  
24 related to the requested sign whether it be the size,  
25 the location and construction?

1                   CHAIRMAN HANCE: Yes. Can you hear me,  
2 Kyle?

3                   MR. EINGORN: Yes.

4                   CHAIRMAN HANCE: Is there a picture of  
5 the sign? Is it going on top of the roof?

6                   MR. GONZALEZ: Yes. We actually provided  
7 the pictures last time. I was told that I had to  
8 repeat them again.

9                   MR. EINGORN: I believe this is the  
10 elevation. Let the record reflect that I am showing  
11 the picture of both signs.

12                   CHAIRMAN HANCE: So it's on the lip of  
13 the roof?

14                   MR. GONZALEZ: Yes, it's on the lip of  
15 the roof that's in front basically when you walk into  
16 the business.

17                   CHAIRMAN HANCE: Thank you.

18                   MR. EINGORN: The sign that you're  
19 proposing, will that be in line with the sign next to  
20 it --

21                   CHAIRMAN HANCE: Is this sign going to be  
22 lighted or it's just --

23                   MR. GONZALEZ: Yes, it's lighted.

24                   MR. EINGORN: Girls Beauty is located  
25 next to this property, correct?

1 MR. GONZALEZ: Yes.

2 MR. EINGORN: Will this sign be in line  
3 with the Girls Beauty sign?

4 MR. GONZALEZ: Correct.

5 MR. EINGORN: So it'll all be on a single  
6 level?

7 MR. GONZALEZ: It should be. That's the  
8 way we proposed it.

9 MR. EINGORN: So if this -- it looks to  
10 me like this is some sort of porch roof. If this  
11 porch did not exist, would you have mounted this sign  
12 directly to the facade of the building?

13 MR. GONZALEZ: That porch did exist when  
14 I leased the property. But -- repeat your question  
15 because I got confused.

16 MR. EINGORN: Sure. It looks to me like  
17 if this porch didn't exist, the sign that you're  
18 requesting would have mounted to the face of the  
19 building just like the one next door; is that where  
20 your --

21 MR. GONZALEZ: Correct.

22 MR. EINGORN: You're essentially,  
23 although you're mounting the sign to the roof, it's  
24 really because there's no ability to stick it on the  
25 face of the building; is that correct?



1 sign, yes. Correct.

2 MR. EINGORN: Does the Board have  
3 questions?

4 MS. ALSTON: Yes. It looks like it's  
5 going to be about 30 -- is that 30 square feet?  
6 It is 30 --

7 MR. GONZALEZ: Yes. It's 30 by 142, I  
8 think.

9 CHAIRMAN HANCE: Sixty-eight.

10 MS. ALSTON: And it's going to go on top  
11 of the porch roof top?

12 MR. GONZALEZ: Correct.

13 MS. ALSTON: Why not just make it the 24?

14 MR. GONZALEZ: We can do that. We could  
15 do 24. The only thing that most -- I don't think you  
16 will be able to see it that much. My concern is that  
17 the building is too big. So like if you see on the  
18 sign, the sign only takes one part of the building.  
19 The rest of it would be with nothing on it.

20 MR. EINGORN: Do you know the size of the  
21 sign next door, the Girls Beauty sign?

22 MR. GONZALEZ: No, I don't.

23 MR. EINGORN: I'm just wondering whether  
24 that's 30 inches as well.

25 CHAIRMAN HANCE: I'm curious. Why don't

1 you put it in the middle of the rooftop, not on the  
2 right hand side?

3 MR. GONZALEZ: We can put it in the  
4 middle. We can move it to any -- that was just  
5 the way they put it because that's where the door is  
6 of the building. But it could be placed in any area  
7 of that roof.

8 CHAIRMAN HANCE: I think it would be  
9 better off, in my opinion, in the middle. That would  
10 be cover the left and right side.

11 MR. GONZALEZ: Correct. It would be  
12 better.

13 CHAIRMAN HANCE: And is the sign  
14 illuminated on the inside or you got lights flashing  
15 on the sign? How's that going to be illuminated?

16 MR. GONZALEZ: It's in the inside.

17 CHAIRMAN HANCE: Well, the cake looks  
18 good.

19 MR. GONZALEZ: It is good.

20 CHAIRMAN HANCE: And did you guys open?  
21 When do you plan to open up? I see grand opening.

22 MR. GONZALEZ: Three weeks ago.

23 CHAIRMAN HANCE: Are you open yet for  
24 business?

25 MR. GONZALEZ: Two weeks ago. We have a

1 temporary sign right now. It will be -- people will  
2 be like, I don't even know if you exist. Because I  
3 don't got no --

4 CHAIRMAN HANCE: They probably drive past  
5 you. That sign would look nice up on top of that lip  
6 right there.

7 MR. EINGORN: Any other questions from  
8 the Board members? Hearing none. Is there anybody  
9 in the public that would like to be heard on this  
10 application for Rodrigo Gonzalez, 3821 Westfield  
11 Avenue, regarding the proposed signage? Hearing no  
12 public comments and seeing no hands raised, we'll  
13 close the public portion. Now is the time for the  
14 Board to discuss the Positive and Negative Criteria  
15 related to the requested d(1) use variance and bulk  
16 variance for the size of the sign.

17 CHAIRMAN HANCE: I think it's positive.  
18 Any time we have a business, you want to promote it  
19 with a nice sign. It needs to be up there because if  
20 not, they will definitely drive past him. So I think  
21 it's a great idea.

22 MS. MERRICKS: I think it's an awesome  
23 idea too.

24 CHAIRMAN HANCE: Can you hear me?

25 MR. EINGORN: Chairman Hance, we heard

1 you. It looks like Karen is on the same boat here.

2 MS. MERRICKS: I was just saying, I think  
3 it's a good idea. More businesses in Camden. I  
4 think it's great. You have to be seen as a business.

5 CHAIRMAN HANCE: So I make a motion that  
6 we accept the variance as needed; bulk variance.

7 MS. ATWOOD: Second.

8 MR. EINGORN: I'm sorry. I didn't hear  
9 the whole motion. I know there was discussion of  
10 moving the sign to the middle. Is there anything  
11 mentioned about that?

12 CHAIRMAN HANCE: I make a motion that  
13 the -- can you hear me? I'm sorry. I make the  
14 motion that we accept when they move the sign to the  
15 middle; the bulk variance. Did everybody hear me?

16 MR. EINGORN: Yes, sir.

17 CHAIRMAN HANCE: I'm still breaking up.

18 MR. EINGORN: Ms. Atwood, do you still  
19 want to second?

20 MS. ATWOOD: Yes. Second.

21 MR. EINGORN: I'll take a roll-call vote.  
22 Chairman Hance.

23 CHAIRMAN HANCE: Yes.

24 MR. EINGORN: Ms. Atwood.

25 MS. ATWOOD: Yes.

1 MR. EINGORN: Ms. Merricks.

2 MS. MERRICKS: Yes.

3 MR. EINGORN: Ms. Alston.

4 MS. ALSTON: Yes.

5 MR. EINGORN: Mr. Brito Bueno.

6 MR. BRITO BUENO: Yes.

7 MR. EINGORN: Thank you. All in favor.

8 Motion passes. Have a great night.

9 MR. GONZALEZ: Thank you.

10 MS. PERALTA: Thank you.

11 MR. EINGORN: Anybody appearing for  
12 Hipolito Hernandez, 452 Clinton Street?

13 MS. ABED: Hi, Kyle, I'm here.

14 Franchesca Abed. Mr. Hernandez was just on. He must  
15 have just came off. Here he is. It's just labeled,  
16 Motor G Play 2021.

17 MR. EINGORN: Got it. So if you both  
18 would raise your right hand.

19 - - -

20 FRANCESCA ABED, having first been duly  
21 sworn/affirmed, was examined and testified as  
22 follows:

23 - - -

24 MR. EINGORN: Mr. Hernandez, you're  
25 muted. Ms. Abed, will you be translating for the

1 applicant?

2 MR. ABED: I am. Yes.

3 MR. EINGORN: So do you swear/affirm that  
4 the testimony you will translate tonight, will be  
5 true and accurate to the best of your ability?

6 MS. ABED: Yes, I do. And he's off of  
7 unmute if you want to try to re-swear him.

8 MR. EINGORN: Sure.

9 - - -

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

13 - - -

14 MR. EINGORN: The applicant is proposing  
15 a granite fabricated installation company at the  
16 property at 452 Clinton Street, Camden, New Jersey.  
17 The applicant requires a d(1) use variance and a site  
18 plan approval or waiver. This property is located  
19 within the Lanning Square Redevelopment Plan.  
20 Can the applicant give us an idea of the area of  
21 the property, the --

22 MS. ABED: Absolutely. Do you want me  
23 to -- so I hold multiple titles in this particular  
24 case, Kyle. So I just want to be forthcoming on  
25 this.

1 MR. EINGORN: Sure.

2 MS. ABED: I'm the owner of the actual  
3 building so he is my tenant. And then I'm also his  
4 construction liaison and I'm doing the construction  
5 on the interior.

6 MR. EINGORN: Okay. As the owner of the  
7 property, you could testify in your capacity as a  
8 fact witness, and then I guess in your capacity as a  
9 fact witness for any proposed construction. But as  
10 it relates to the operations of the granite  
11 fabricator, we'll obviously need you to translate the  
12 testimony of the applicant.

13 MR. HIPOLITO HERNANDEZ: I'm going to be  
14 fabricating, cutting and polishing granite  
15 countertops -- granite marble countertops to be  
16 delivered off-site and installed in residential  
17 homes.

18 MR. EINGORN: Okay. How does the granite  
19 get from wherever it comes from in the ground to his  
20 business?

21 MR. HIPOLITO HERNANDEZ: They get  
22 delivered in a truck and he brings it down with the  
23 pulley, with the lift in a pickup truck.

24 MR. EINGORN: How often will he receive  
25 deliveries?

1                   MR. HIPOLITO HERNANDEZ: So it goes on a  
2 contract basis as I get like an order then the  
3 client will go pick out their slab and then they get  
4 them delivered, pay and delivered there. So it's on  
5 a per-client basis

6                   MR. EINGORN: What are the hours of  
7 operation?

8                   MR. HIPOLITO HERNANDEZ: Nine to five;  
9 9:00 a.m. to 5:00 p.m.

10                  MR. EINGORN: Will he operate on the  
11 weekends or just during the weekdays?

12                  MR. HIPOLITO HERNANDEZ: Only weekdays.  
13 Monday through Friday.

14                  MR. EINGORN: How many employees does the  
15 applicant employ?

16                  MR. HIPOLITO HERNANDEZ: Right now it's  
17 me. It's me myself.

18                  MR. EINGORN: Can you give us a brief  
19 idea of how this property is like; what the parking  
20 is like?

21                  MS ABED: Absolutely. Can I share my  
22 screen so I can show you?

23                  MR. EINGORN: Please.

24                  MS. ABED: So on the screen right now  
25 you'll see that the -- this is the outside of the

1 building. It's right actually on the corner of  
2 Clinton and South 5th Street. It sits behind  
3 Albright Detailing. It's one large building,  
4 however, it's subdivided. So 452 is actually just  
5 these two bins. So when he receives delivery, he  
6 backs up into his own bay and they unload it with a  
7 pulley. He doesn't store or keep extra granite  
8 slabs. It's on a per-case basis. It's too expensive  
9 to -- he's a small business so it's too expensive for  
10 that. And they cut, mold and polish what they have  
11 to do.

12           After the product is finished, he backs  
13 up, he loads it on his truck and he goes and delivers  
14 it to the site. If you see right here, so everything  
15 is interior of these four walls. And interior to  
16 this, pictures were delivered to the Board. And  
17 interior to this, there's a small office, a  
18 kitchenette like break room-type thing that was there  
19 when he first leased it out. That was from previous  
20 tenants. And there's the traditional bath or  
21 whatever for employees.

22           But as of right now, it's just him after  
23 and then he's expecting to expand and get larger, I'm  
24 sure. But there is no, I guess, you'd say parking  
25 for this particular building. It's inside the

1 building because it's an actual pull-in  
2 warehouse.

3 MR. EINGORN: Does the applicant  
4 anticipate having clients come to the property or is  
5 he simply like a contractor for people who sell  
6 granite?

7 MS. ABED: No. With OSHA regulations  
8 they can't have clients coming into the building.

9 MR. EINGORN: Thanks.  
10 Can you just give us an idea of what's  
11 around here because I'm assuming --

12 MS. ABED: Absolutely.

13 MR. EINGORN: -- this is probably  
14 somewhat noisy?

15 MS. ABED: This sits behind El Cacique  
16 Bar and Restaurant. It's back here. And then it  
17 also sits right behind KIPP COOPER NORCROSS. If you  
18 go towards the end, you'll see that this is the back  
19 of the KIPP COOPER NORCROSS building and the parking  
20 right here. It's the detailing shop. And then  
21 further down is Mays Funeral Home. He keeps all his  
22 vehicles in here.

23 MR. EINGORN: Let the record reflect Ms.  
24 Abed is utilizing Google Maps.

25 MS. ABED: And then if you go further

1 back then you have the Hope Medical Center which is  
2 back here.

3 Now, we're also requesting a site plan  
4 waiver. Site plan waiver just because it's an  
5 existing structure. There's no changes being down to  
6 the building on the exterior. If there's any changes  
7 that he's going to do, it's going to be interior.  
8 It doesn't hold an environmental impact. Traffic,  
9 it's real minor right now. It's one pickup truck  
10 operating. And when the deliveries happen, they come  
11 in through the overhead bay so there's no real impact  
12 on traffic.

13 Community impact, the building has been  
14 there for years. They know us very well. The actual  
15 granite business is new to the building. But I don't  
16 foresee a community impact. And visuals, they're the  
17 same visuals since I don't know how long.

18 MR. EINGORN: Do the Board members have  
19 any questions for the applicant or Ms. Abed?

20 CHAIRMAN HANCE: Is he in business now?  
21 Is it open?

22 MS. ABED: It is. It is open. He is in  
23 business. It was storage for a while and Licenses  
24 and Merchantile let him operate under the storage.  
25 Once he started fabricating, they said you got to go

1 before the Zoning Board and do the fabrication.

2 CHAIRMAN HANCE: I'm familiar with the  
3 area. My granddaughter actually goes to the school  
4 there. I can't tell that anyone is in there. So  
5 it's pretty quiet over there.

6 MS. ABED: Yes.

7 CHAIRMAN HANCE: So it's just two bays  
8 right there?

9 MS. ABED: It's just these two bays, yes.  
10 I believe he submitted like a small layout and then  
11 kind of a random layout and then there's the pictures  
12 if you guys want to review the pictures of what it  
13 looks like on the interior. But there's nothing  
14 really... There's not too much to see. It's kind of  
15 a big open square.

16 MR. EINGORN: Ms. Abed, can you stop  
17 sharing your screen for now?

18 MS. ABED: Absolutely. Give me one  
19 second.

20 MR. EINGORN: Does the Board have  
21 questions for the applicant or Ms. Abed? It seems  
22 pretty straight forward. Hearing none, does anybody  
23 in the public here for or against the application of  
24 Mr. Hipolito Hernandez seeking a use variance  
25 and site plan waiver related to the granite

1 fabrication installation company to be located at 452  
2 Clinton Street?

3           Hearing no one and seeing no hands, we  
4 will close the public portion. At this time, I would  
5 invite the Board to discuss the Positive and Negative  
6 Criteria and to make a motion to either approve or  
7 deny the requested variances and site plan waiver.

8           CHAIRMAN HANCE: I've been to the  
9 property. It's kept very clean. It's not a lot of  
10 buildings around it. It's just mainly the school and  
11 a detail shop in front and it's on a side street so  
12 it's not a lot of traffic. Like I said, it's kept  
13 pretty quiet. I don't know even know it was even  
14 open. I think it's a good spot for it.

15           MR. EINGORN: So any other members of  
16 the Board would like to be heard on this  
17 application?

18           MS. ATWOOD: I make a motion to approve.

19           MR. EINGORN: Do we have a second?

20           MR. BRITO BUENO: Second.

21           MR. EINGORN: I'll take a roll-call vote.  
22 Chairman Hance.

23           CHAIRMAN HANCE: Yes.

24           MR. EINGORN: Ms. Atwood.

25           MS. ATWOOD: Yes.

1 MR. EINGORN: Ms. Merricks.

2 MS. MERRICKS: Yes.

3 MR. EINGORN: Ms. Alston.

4 MS. ALSTON: Yes.

5 MR. EINGORN: Mr. Brito Bueno.

6 MR. BRITO BUENO: Yes.

7 MR. EINGORN: Very good. Having five in  
8 favor and none opposed, the motion carries and the  
9 application is granted. Have a great night.

10 MR. HIPOLITO HERNANDEZ: Thank you.

11 MS. ABED: Thank you. Have a good night.

12 MR. EINGORN: Is anybody here for  
13 Jose A. Santos, 338 Emerald Street who proposed an  
14 auto repair shop?

15 MS. SHARON: Yes.

16 MR. EINGORN: Is Mr. Santos here? I'm  
17 assuming Sharon is not Mr. Santos. All right.

18 Ms. Sharon, if you can just unmute  
19 yourself. Are you from the public?

20 MS. SHARON: Yes. Can you hear me now?

21 MR. EINGORN: Yes, ma'am. Did you  
22 receive a letter for this one?

23 MS. SHARON: Yes.

24 MR. EINGORN: It doesn't seem like the  
25 applicant appeared tonight so he's not going to be

1 heard. As a courtesy, we will grant a one-time  
2 adjournment to the next meeting date in October. And  
3 you are free to appear again. You don't have to.  
4 I know you received a letter. But right now there's  
5 nothing to be done because he's not here.

6 MS. SHARON: I just want to make sure I'm  
7 understanding this. This is so that he can have a  
8 permit to put bulk stuff back there? Is that what  
9 this is?

10 MR. EINGORN: It seems to me, and I don't  
11 have a copy of the application in front of me, that  
12 Mr. Santos would like to use the property to repair  
13 cars.

14 MS. SHARON: Well, he's already doing  
15 that. He has a garage back there. My letter says  
16 something about bulk.

17 MR. EINGORN: Interpretation --

18 MS. SHARON: I can see bulk variance is  
19 needed. That's what -- I'm assuming that's what it's  
20 about.

21 MR. EINGORN: Right. So it sounds to me  
22 from the agenda that this might have been previously  
23 a repair shop and it was abandoned as that use and  
24 now he wants to do it again. And he needs to  
25 demonstrate that there's parking off the street to

1 support his auto garage.

2 MS. SHARON: Okay.

3 MR. EINGORN: Maybe we will see you in  
4 October.

5 MS. SHARON: I will be there.

6 MR. EINGORN: Have a nice night.

7 MS. SHARON: You too. Thank you.

8 MR. EINGORN: The next matter is really  
9 two matters, 334 and 336 Point Street. The applicant  
10 is Julian T. Canuso, Jr. I believe the applicant is  
11 here.

12 MR. CANUSO: Yes, sir.

13 MR. EINGORN: Good evening, sir. If you  
14 could raise your right hane.

15 - - -

16 JULIAN T. CANUSO, JR., having first been  
17 duly sworn/affirmed, was examined and testified as  
18 follows:

19 - - -

20 MR. EINGORN: Can you state your name and  
21 address for the record?

22 MR. CANUSO: Julian T. Canuso, Jr., 1704  
23 Bayshore Avenue, Brigantine, New Jersey.

24 MR. EINGORN: Mr. Canuso, are you the  
25 owner of the properties at 334 and 336 Point

1 Street?

2 MR. CANUSO: Yes.

3 MR. EINGORN: And you are seeking to  
4 create a duplex or are these properties already a  
5 duplex?

6 MR. CANUSO: They're already duplexes.  
7 From what I understand, it would be a pre-existing  
8 nonconforming use. I had applied to the City for a  
9 continued Certificate of Occupancy because I'm  
10 looking to sell the properties. And as part of that  
11 CCO process now before I go to the building  
12 department, I ended up with planning and  
13 development, so they denied my application.

14 MR. EINGORN: Would you just give us a  
15 brief idea, description of these properties?

16 MR. CANUSO: Okay. I had put together a  
17 booklet. I don't know if the Board members  
18 actually received it. I gave a little bit of a  
19 history.

20 I purchased 336 Point Street back in 1994  
21 so I have owned it for 28 years. When I purchased  
22 the property, I purchased it as a duplex. I did that  
23 through a realtor. And at the time, the realtor was  
24 able to produce a Certificate of Occupancy from when  
25 the building was renovated in 1988. And the

1 Certificate of Occupancy identified the building as  
2 a duplex. So I had no reason to believe that it  
3 wasn't a conforming use when I purchased it 28 years  
4 ago.

5 As time went on, I bought the building  
6 next door, 334 Point Street. I purchased that  
7 building in 2005. The two buildings were to my  
8 understanding, both renovated in 1988. They're  
9 basically mirror images of each other. The utilities  
10 are split. There's separate electric meters.  
11 There's separate gas meters for the property.  
12 During the course of my ownership, I've utilized  
13 them as duplexes.

14 MR. EINGORN: And in the packet that you  
15 submitted, you did submit the CO that identifies that  
16 336 was a duplex; is that correct?

17 MR. CANUSO: Yes.

18 MR. EINGORN: And a letter from Ellis  
19 Goodman & Company Realtors enclosing the Certificate  
20 of Occupancy?

21 MR. CANUSO: That's correct:

22 MR. EINGORN: And you've also submitted  
23 Annual Rent Control Landlord Registration Statements  
24 as well?

25 MR. CANUSO: Yes. That would be for 334

1 Point. I did not have the Certificate of Occupancy  
2 for 334 but I did receive those certificates of good  
3 standing from the City which recognized it as a  
4 multi-dwelling.

5 MR. EINGORN: The photographs that you  
6 submitted, they do include photos of the separate  
7 metering?

8 MR. CANUSO: Yes.

9 MR. EINGORN: And the separate  
10 utilities?

11 MR. CANUSO: Yes. I don't know the  
12 complete history of the ordinances but based on that  
13 Certificate of Occupancy in '88, I believe it was  
14 zoned R-3. When I purchased the buildings, the  
15 zoning had changed to institution/residence.  
16 I know duplexes have been an allowable use from the  
17 time that I purchased it.

18 The current zoning is US and so the  
19 denials are based on the current zoning. And that  
20 the first nonconforming pieces, that there's a  
21 deficient lot area because the current zoning  
22 requires 2,000 square feet for a duplex. The  
23 surrounding blocks, there are no 2,000 square foot  
24 lots. They're all under a 1,000 square foot.

25 The interesting thing about the current

1 zoning ordinance is that even if it was considered a  
2 townhome, it would still be nonconforming. So I'm  
3 really not clear on if it's not allowed to be a  
4 duplex, whether I would be back to meet with the  
5 Board selling it as a townhome.

6 MR. EINGORN: So what you're telling the  
7 Board in essence is that, you're requesting a  
8 hardship variance for these items because of the  
9 nature, size and location of the lots and, in fact,  
10 that they share adjoining walls with the other  
11 properties, make it impossible for you to expand the  
12 lot such that you could conform to the underlying  
13 zoning and the redevelopment plan. Is that correct?

14 MR. CANUSO: Yes, that's correct.

15 MR. EINGORN: And that you are also  
16 stating, and I believe you've already stated, that  
17 these are pre-existing nonconforming; they were in  
18 this condition when you purchased the properties?

19 MR. CANUSO: That's correct. I've made  
20 no changes or improvements to the properties. No  
21 changing use.

22 MR. EINGORN: I see many of these.

23 Does the Board have questions for the  
24 applicant about either 334 or 336? One note, these  
25 are two separate applications, although we are kind

1 of hearing them simultaneously because they're the  
2 same owner, they're the same idea. They're kind of  
3 next -- not kind of. They are next to each other.  
4 But we will have to make two motions because it is  
5 two separate applications and two separate  
6 properties. That said, if there's questions for the  
7 applicant, now is the time.

8 CHAIRMAN HANCE: Kyle, a question for  
9 you.

10 MR. EINGORN: Yes.

11 CHAIRMAN HANCE: Even if he sold it,  
12 would there still be a problem for the next  
13 buyer?

14 MR. EINGORN: If the applicant tonight  
15 obtains the required approvals, then they would run  
16 with the land. And then when he sells it, the new  
17 owner would be the beneficiary of those approvals.

18 CHAIRMAN HANCE: So you've owned it since  
19 1988 or was it 1994?

20 MR. CANUSO: They were renovated in 1988  
21 prior to my ownership. I purchased the first one in  
22 1994. It was completely renovated at that time.

23 CHAIRMAN HANCE: Basically you're ready  
24 to sell and move on; is that it?

25 MR. CANUSO: That's correct.

1                   CHAIRMAN HANCE: So Kyle, when you say  
2 hardship, meaning, when he bought the property it was  
3 fine and then it was changed down the road, the  
4 ordinance?

5                   MR. EINGORN: Right. So there's what's  
6 called a hardship variance. And I believe I've sent  
7 the Board members and maybe I should resend it, a  
8 letter regarding the relevant standards. But when  
9 you have a property either it's pre-existing in its  
10 condition or it's about to be developed and it's in  
11 such a shape or the topography is such that it can't  
12 be developed for a use that is permitted, or it's  
13 such a shape and size that it can't conform to the  
14 existing bulk standards, that would be a hardship.  
15 I think that's what -- and you have a pre-existing  
16 nonconforming use which is essentially a hardship in  
17 itself. Any other questions for the applicant?

18                   CHAIRMAN HANCE: I got a question. Do  
19 you have people living there now or are they vacant?

20                   MR. CANUSO: I occupy one building both  
21 departments. And I have one tenant on the second  
22 floor of 334 Point Street.

23                   CHAIRMAN HANCE: So the bottom floor is  
24 vacant are you saying?

25                   MR. CANUSO: Yes.

1                   CHAIRMAN HANCE: I have no more  
2 questions.

3                   MR. EINGORN: Any other questions from  
4 the Board? Hearing none, we'll open to the public.  
5 Is there anybody in the public that would like to  
6 weigh in on this application whether in favor or in  
7 opposition? I'm not hearing anyone or seeing any  
8 hands raised, so we'll close the public portion.

9                   Now is the time for the Board to discuss  
10 the Positive and Negative Criteria and to propose a  
11 motion whether to -- we need two motions, one for  
12 each property, whether to approve or deny the  
13 requested bulk variances and to confirm the continued  
14 use of a pre-existing nonconforming use.

15                  CHAIRMAN HANCE: I think he's a in Catch  
16 22 where when he bought the property, it was okay.  
17 And now since the Ordinance changed, he's definitely  
18 in a bad way. Any other Board members want to  
19 comment?

20                  So I make a motion for the bulk  
21 variance. It's a nonconforming use, correct?

22                  MR. EINGORN: Right. So the applicant is  
23 essentially applying for continuation of a  
24 nonconforming use.

25                  MR. BRITO BUENO: I got a question.

1 MR. EINGORN: Yes.

2 MR. BRITO BUENO: To the lawyer. Can you  
3 explain how things happen. I'm new to this so --

4 MR. EINGORN: Yes. Sure. Things change  
5 across the City all the time. And sometimes one  
6 zoning changes to another or you have a redevelopment  
7 plan that comes into place and the plan says  
8 something other than what's allowed already. And in  
9 some cases you even have a use that predates the  
10 Zoning Code all together. And then when someone goes  
11 to sell or they seek a permit, they need approvals  
12 because their usage or their size or their lot  
13 doesn't conform to what the Ordinance requires.

14 MR. BRITO BUENO: Okay.

15 MR. EINGORN: So they come before us and  
16 then the Board makes a determination -- not we; I'm  
17 not part of the Board -- a determination as to  
18 whether or not that complies with the law whether it  
19 can be granted.

20 MR. BRITO BUENO: Does this fall into the  
21 grandfather clause?

22 MR. EINGORN: So the grandfather clause,  
23 I think is not an actual type of legal precedent but  
24 it is kind of what you're referencing in a way.  
25 Right? He's got something that he's been using for

1 years. It was fine before. The zoning changed. And  
2 now he's asking us to say or asking the Board to say,  
3 he can continue this use despite the fact that the  
4 zoning has changed.

5 MS. MUHAMMAD: Kyle, can I make a  
6 statement?

7 MR. EINGORN: Of course.

8 MS. MUHAMMAD: Actually, and no harm to  
9 the application at hand but actually on file, the  
10 previous owner applied for 336 and 338 before the  
11 Zoning Board back in, I believe, 1986 to have this  
12 336 and 338 as a duplex and it was denied then.

13 So there was never zoning approval for  
14 these properties to be legally duplexes. So at some  
15 point they were illegally converted to duplexes.  
16 However, the Building Bureau and the Housing  
17 Department where the rental department is, they all  
18 work together as one. So the Building Bureau has  
19 been giving out permits and so has the Housing  
20 Department has been giving out rental permits but  
21 they've never had a zoning permit.

22 CHAIRMAN HANCE: A question, Kyle.

23 MR. EINGORN: Yes.

24 CHAIRMAN HANCE: So how did the real  
25 estate get the CO? How did the real estate get a

1 different CO to use it as a duplex?

2 MR. EINGORN: I'm sorry. You said what?  
3 How did real estate agent?

4 CHAIRMAN HANCE: Right. You said that  
5 when he bought it from the real estate agent, that  
6 they gave him a CO to use it as a duplex; it came up  
7 with something?

8 MR. EINGORN: Right. In his packet he  
9 got a Certificate of Occupancy from the, I guess,  
10 Code Enforcement official saying that this was  
11 fine to occupy. And, in fact, it does reference at  
12 the bottom it says, specific use, duplex. I'm going  
13 to hold this up to the camera. So I'm going to let  
14 the record reflect that this is the applicant's  
15 evidence and exhibit. It's a Uniform Construction  
16 Code Certificate dated December 24, 1988. This is  
17 the old document if you can see it. And then I'm  
18 going to zoom in for you and see if I can get it.  
19 Right there is says duplex.

20 CHAIRMAN HANCE: Yes.

21 MR. EINGORN: So at least as it relates  
22 to 334, I believe the testimony was, the applicant  
23 did obtain the Certificate of Occupancy for a duplex.  
24 And I believe it also references here that this might  
25 have been in the, I think it says, R-3 Zone.

1                   MR. CANUSO: Yes, I believe that's  
2 correct.

3                   MR. EINGORN: It's an old copy.  
4 Obviously, this is -- I was four years old at the  
5 time. But it doesn't appear to say R-3.

6                   MS. MUHAMMAD: Kyle, I just want to add  
7 one more thing for the Board members. As far as most  
8 of the inspectors, they based properties off of what  
9 they see. So, again, if there's no zoning permit  
10 produced then there's a chance that it wasn't  
11 legally done. And that's why we're here with the  
12 Zoning Board of Adjustment.

13                   MR. EINGORN: Right. There's no dispute  
14 we're here tonight because this building or these  
15 buildings have not be properly zoned. And the  
16 applicant is here tonight asking for that relief.

17                   MS. MUHAMMAD: I just want to make it  
18 clear for applications and even in the future, to say  
19 that just because the Building Bureau has given a  
20 Certificate of Occupancy, that doesn't mean that it  
21 was legally then. This is a not a case of the  
22 Ordinance change. This is a case of it was never  
23 a zoning permit.

24                   MR. EINGORN: And we regularly see,  
25 right? People come in and they have landlord

1 registrations; they have apartment approvals. They  
2 get all kinds of things from the City and other  
3 departments in the City, but it turns out they never  
4 obtained variance approval for bulk variances or uses  
5 or whatever it may be.

6 CHAIRMAN HANCE: So if he bought it that  
7 way, how did it get so long -- get away with it not  
8 being zoned as a duplex?

9 MR. EINGORN: When you purchased the  
10 property in 1994 and you never need any permits or  
11 anything to bring it to the attention of the Planning  
12 office. I'm assuming he kept these in pretty good  
13 condition. Nobody seems to be complaining. It flies  
14 under the radar. If you don't know you need it, you  
15 don't have to do anything that triggers the need, it  
16 goes without notice because there's no way to know.

17 CHAIRMAN HANCE: He wants to sell it and  
18 that triggered the issue.

19 MS. MUHAMMAD: Right. If I could  
20 respond, Kyle. So now the building bureau --  
21 so-to-speak, that gig is up. So the Building Bureau  
22 does not give out Certificates of Occupancies unless  
23 they see a zoning permit. So what they used to do,  
24 just give out CO's, they don't do that anymore.

25 MR. BRITO BUENO: When I look at the MLS,

1 it says the property plan is residential. It don't  
2 say duplex.

3 MR. CANUSO: The current zoning  
4 district -- the current ordinance is  
5 University/Support Services. And practically  
6 speaking having been on that block for as long as  
7 I've been on the block, a large part of that block is  
8 utilized as student housing. I believe it was an  
9 architect that renovated it in 1988. And he  
10 renovated a number of units on that block and made  
11 them into duplexes thinking that they would be able  
12 to be rented as student housing.

13 But, again, practically speaking, duplex  
14 or not, there's a number of the townhomes on the  
15 street which are owned as townhomes, yet, are rented  
16 to multiple students. So, again, practically  
17 speaking, whether you call it a townhome or a duplex,  
18 there's multiple students living in the same square  
19 footage.

20 MR. EINGORN: So I'm looking at Section  
21 870-102 which are the permitted uses in the US  
22 University and Support Zone. Subsection C does  
23 permit duplex dwellings. I'm trying to access the  
24 website to see what the downtown Redevelopment Plan  
25 says. And it's telling me, this can't be found. I

1 apologize but I'm having trouble accessing it. I got  
2 an Error 404 page. I can't access the Redevelopment  
3 Plan to tell you what it says.

4 The US Zone does allow duplexes. So,  
5 again, the applicant is seeking mainly bulk variances  
6 because this property -- the pictures shows  
7 sandwiched -- these properties are sandwiched between  
8 other properties. Likely they wouldn't conform to  
9 the other bulk area requirements for single-family or  
10 other uses anyway. That's all I got.

11 MR. CANUSO: The first part of the  
12 nonconformance is the lot size. And if you look at  
13 Section 870-106 for the area regulations, the minimum  
14 lot size for anything, and I stated this earlier  
15 whether you call it a townhouse, a single-family, the  
16 new ordinance requires 2,000 square feet. And none  
17 of the homes on the block have 2,000 square feet.  
18 Actually, I was really blindsided by this because  
19 there are other homes that were sold on the block,  
20 and I'm not aware of anyone else having to have any  
21 type of variance.

22 CHAIRMAN HANCE: Before they changed it  
23 or did they sell it after?

24 MR. CANUSO: After. In the current.  
25 There's been a number of homes that sold on the block

1 in the last year or so. This Ordinance has been  
2 around. I don't think it was changed within the last  
3 couple of years. I actually think there's a problem  
4 with the Ordinance right now where they've overstated  
5 the lot sizes for this district.

6 MR. EINGORN: What you're kind of seeing  
7 here is, you've had two duplexes which have existed  
8 for 34 years at the least seemingly without issue,  
9 purchased by Mr. Canuso allegedly or without notice  
10 that these were not properly zoned. And you have two  
11 buildings that simply don't conform to the bulk area  
12 requirements likely because the buildings were built  
13 well before our time, and they're all squeezed  
14 together. As it relates to the bulk variances,  
15 there's really no way to alter them, to alter the  
16 size or topography of the lot or the building to  
17 conform to the bulk area requirements is what you're  
18 being told and is true from what we can see.

19 CHAIRMAN HANCE: So is this why you're  
20 saying that he can apply for that section relief?

21 MR. EINGORN: Right. He's asking for a  
22 continuation of a nonconforming use.

23 MR. BRITO BUENO: Question. Do they have  
24 proof of the CO that was given at that time?

25 MR. EINGORN: I'm sorry.

1                   MR. BRITO BUENO: Does he have proof of  
2 the CO that was given when he bought the property?

3                   MR. EINGORN: At least my packet has the  
4 CO for 334 and then a 336, Landlord's Registration.  
5 So there's at least proof that they've -- excuse  
6 me -- they've been used as duplexes dating back but  
7 obviously as Evita has told you, that part of the  
8 reason why Mr. Canuso is here is because they haven't  
9 been.

10                  MR. CANUSO: Right.

11                  MR. EINGORN: And, again, the US Zone  
12 does permit duplexes. I just can't see the  
13 Redevelopment Plan to see what that says.

14                  MR. BRITO BUENO: I'm just asking just  
15 for the time he was registered as a landlord. Paid  
16 taxes as a landlord.

17                  MR. EINGORN: Yes. I mean, Mr. Canuso  
18 has operated all this time under the auspices that  
19 these are duplexes and he's acted accordingly.

20                  MR. BRITO BUENO: It's like a Catch 22.

21                  MS. ATWOOD: Yes. So can we put in a  
22 motion to allow nonconforming use or whatever it is  
23 that you said?

24                  MR. EINGORN: Yes. So to the extent that  
25 you want to approve the applications, you would do a

1 motion -- well, you can do two motions to approve the  
2 requested bulk variances and the continuation of a  
3 nonconforming use.

4 MS. ATWOOD: Motion.

5 MR. EINGORN: Let's start with a motion  
6 for 334 Point Street. So we have a motion. Was that  
7 to approve?

8 MS. ATWOOD: Yes.

9 MR. EINGORN: Do we have a second?

10 CHAIRMAN HANCE: Second.

11 MR. EINGORN: So we have a motion and  
12 second to approval.

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

15 CHAIRMAN HANCE: Yes.

16 MR. EINGORN: Ms. Atwood.

17 MS. ATWOOD: Yes.

18 MR. EINGORN: Ms. Merricks.

19 MS. MERRICKS: Yes.

20 MR. EINGORN: Ms. Alston.

21 MS. ALSTON: Yes.

22 MR. EINGORN: Mr. Brito Bueno.

23 MR. BRITO BUENO: Yes.

24 MR. EINGORN: Motion carries. And now as  
25 it relates to 336, do we have a motion?

1           CHAIRMAN HANCE: I got a question before  
2 we make that motion. We also have the off-street  
3 parking on here. And that's the bulk variances  
4 needed?

5           MR. EINGORN: Yes.

6           CHAIRMAN HANCE: We also accept that  
7 also, correct?

8           MR. EINGORN: Right. So the last motion  
9 was to grant the variances requested which included  
10 off-street parking.

11          CHAIRMAN HANCE: Okay.

12          MR. EINGORN: And the continuation of the  
13 nonconforming use.

14          CHAIRMAN HANCE: Okay.

15          MS. ATWOOD: Motion to approve.

16          MR. EINGORN: Do we have a second?

17          CHAIRMAN HANCE: Is this the second  
18 house -- second duplex?

19          MR. EINGORN: This is for 336.

20          CHAIRMAN HANCE: Ms. Atwood, you were  
21 saying a motion to approve what?

22          MS. MUHAMMAD: The second application.

23          MS. ATWOOD: To approve the nonconforming  
24 use.

25          MR. EINGORN: And the bulk variances?

1 MS. ATWOOD: And the bulk variances, yes.  
2 Same as the first one.

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

5 CHAIRMAN HANCE: Yes.

6 MR. EINGORN: Ms. Atwood.

7 MS. ATWOOD: Yes.

8 MR. EINGORN: Ms. Merricks.

9 MS. MERRICKS: Yes.

10 MR. EINGORN: Ms. Alston.

11 MS. ALSTON: Yes.

12 MR. EINGORN: Mr. Brito Bueno.

13 MR. BRITO BUENO: Yes.

14 MR. EINGORN: The motion carries.

15 Congratulations, Mr. Canuso. Have a great night.

16 MR. CANUSO: Thank you for your  
17 understanding, Board.

18 MR. EINGORN: Two final items, Adoption  
19 of Resolutions from July and August. There are many  
20 so I will read them swiftly into the record.

21 Granting Use Variance Approval and Site  
22 Plan Waiver for Lorenzo Hernandez, 506 to 510 North  
23 27th Street.

24 Granting Use Variance Approval and site  
25 Plan Waiver regarding Hargrove Property V, LLC at

1 Southeast Line of Harrison Avenue between 17th & 18th  
2 Street.

3 Granting Use Variance Approval, Bulk  
4 Variance Approval and Site Plan Wavier for Edison  
5 Martinez, 2944 Westfield Avenue.

6 Granting Use Variance Approval, Bulk  
7 Variance Approval for Junior G. Tineo, 3500 Federal  
8 Street.

9 Granting Bulk Variance Approval for  
10 Fersio V. Rodriguez, 917 North 25th Street.

11 Granting Bulk Variance Approval for  
12 Jennifer Lopez Oliver, 3180 Tuckahoe Road.

13 Granting Bulk Variance Approval with  
14 Conditions to Nelson Lopez, 918 North 25th  
15 Street.

16 Granting Bulk Variance Approval for  
17 Preservation Act 2, LLC, 712 Vine Street.

18 Granting Bulk Variance Approval for Air  
19 Homes II, LLC, 1442 Princess Avenue.

20 And then for August, Granting Use  
21 Variance Approval and Site Plan Waiver for Chana  
22 Kanelnsky, 1218 Whitman Avenue.

23 Do we have a motion to adopt?

24 MS. ATWOOD: Motion to adopt.

25 MS. ALSTON: Second.

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

3                   CHAIRMAN HANCE: Yes.

4                   MR. EINGORN: Ms. Atwood.

5                   MS. ATWOOD: Yes.

6                   MR. EINGORN: Ms. Merricks. Ms. Alston.

7                   MS. ALSTON: Yes.

8                   MR. EINGORN: Mr. Brito Bueno.

9                   MR. BRITO BUENO: Yes.

10                  MR. EINGORN: Ms. Merricks, are you  
11 there? We're having four in favor and the motion  
12 passes. And a lastly, a motion to adjourn?

13                  CHAIRMAN HANCE: I make a motion that we  
14 adjourn.

15                  MR. EINGORN: I need a second.

16                  MS. ATWOOD: Second.

17                  MR. EINGORN: All in favor?

18                  THE BOARD: Yays.

19                  MR. EINGORN: So moved. Thank you.

20 Good night.

21   - - -

22   (\*\*Meeting concluded at 8:06 p.m.\*\*)

23

24

25

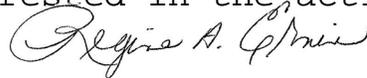
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2  
3  
4 I HEREBY CERTIFY that I am a Certified Court  
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6 I FURTHER CERTIFY that the witness was sworn  
7 to testify to the truth.

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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