

**Zoning Board Of Adjustment  
January 13, 2021  
Draft**

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**Meeting: Zoning Board of Adjustment Re-Organization**

**Date: January 13, 2021**

- I. Meeting called to order
- II. Pledge of Allegiance
- III. Open Public Meeting Act

Swearing In of Members: Attorney Robert Kingsbury did the Honors

Michael Bimmer

Karen Radie

Dawn Sadlowski

Miriam Bebich

**Nominations:**

Chairman: John Gee nominated by Radie, Second by Zahradnick, All approve

Vice-Chairman: Michael Bimmer nominated by Radie, Second by Santori,

All Approve

Attorney: Robert Kingsbury nominated by Chairman Gee, Second by Vice

Chairman Bimmer, All Approve

Township Engineer: Remington & Vernick Engineers nominated by Chairman Gee,

Second by Vice Chairman Bimmer, All Approve

Recording Secretary: Jayne Eastwick nominated by Chairman Gee, Second by

Vice Chairman Bimmer, All Approve

Environmental Engineer: Environmental Resolutions Inc nominated by Chairman

Gee, Second by Vice Chairman Bimmer, All approve

Meeting Dates: Motion to Approve made by Chairman Gee, Second by Vice

Chairman Bimmer, All Approve

Newspaper Advertising: Courier Post, Central Record and The Burlington County

Times. Motion to Approve made by Chairman Gee, Second by Vice

Chairman Bimmer, All Approve

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IV. Roll Call

<b>Member</b>	<b>Present</b>	<b>Absent</b>
Chairman John Gee, Jr.	X	
V. Chair Michael Bimmer	X	
Angie Santori	X	
John Zaradnick	X	
Karen Radie	X	
Lu Valentino	X	
Miriam Bebich	X	
Richard Borden, Alt 1		X
Dawn Sadlowski, Alt 2	X	

**V. Old Business:**

- 65 Old King’s Highway**-Block 173.02; Lot 8.02; Freedom Stone **Fabricators LLC**; Z-20-7 Zone: Planned Development (PD)  
Existing Use: Multi-Tenanted Industrial Building (Indoor Recreation & Restore) on 2.6 +/- acres  
Proposed Use: Stone Cutting, Assembly and Storage Application; “d” Variance

Attorney Michael Coluzzi, Scott Smith, PE, PP Licensed Planner, and Michael Macalusso were sworn in by Solicitor Kingsbury.

Attorney Coluzzi presented a Brief Overview of the Property. The property is located at the crossroads of State Route 38 and SH 41. It is owned by Davis Enterprises. The Applicant has rented 7400 Sq. feet of The Building since 2017 for the Purpose of Design and Fabrication of Stone Counter tops.

Mr. Scott Smith testified that this Warehouse Structure is part of the Planned Development Zone. It was developed in the 1970’s for Warehouse And Light manufacturing. Habitat for Humanity and the Municipal Pump Station are part of this Site.

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Mr. Smith feels this site is well suited for manufacturing. The Loading Dock Is under an extended roof. Materials come in thru this loading zone, and the Finished product goes out thru the roller ramp.

This location does not serve retail customers.

The closest residential area is Ryan's Run apartments. There are several Single family homes located on the border of neighboring Cherry Hill.

The Applicant had a Sound Study performed on August 10, 2020. Evidence Was submitted that none of the Stations tested were above the 60 DB Threshold.

In support of the Variance Relief, Mr. Smith feels the Positive criteria of Keeping this business in Maple Shade outweighs any negative criteria. Management has been vigilant about cleanliness of site and has made Minor improvements.

They maintain no product is stored outside and are willing to improve The dumpster area.

Chairman Gee opened up the discussion to Board Member questions. Chairman Gee asked why the company has not come to the Board since Their operation started there in 2017.

The response being, there was an unsubstantiated claim of noise. When the former Zoning Officer visited the site, he said the business was Located in an area under 10 acres for this zone.

Engineer's Report:

Board Engineer Mr. McNulty agreed the Sound Study was fine, and his Only request was to improve the Trash Enclosure.

Chairman Gee opened up to comments from the General Public. There being none, Chairman Gee closed the Public Portion.

A Motion was made by Vice Chairman Bimmer for the Use Variance and Site Plan Waiver, second by Ms. Santori, with stipulations not to store Product outside and to improve the Trash Enclosure.

All Approved.

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**2. 829 N. Forklanding Rd. Block 2 Lot 2.01 Mr and Mrs Edward Nusslein;**

Zone: RA

Existing Use: Single Family Home

Proposed Use: Separated, Multi-Family

Application: Variance Relief(Use) and Site Plan Waiver

Mr. Thomas Oshinsky, Esq. is representing The Nussleins.

The Applicant is proposing to turn a 400 square foot Detached Garage into A Mother-In-Law Suite.

Chairman Gee asked Mr. Oshinsky to please testify to only the properties that are located in the near vicinity of N. Forklanding.

833 N Forklanding is the adjacent property, which is a multi-rental property. It was sub divided into three parcels. The front home is a rental property, and the back home is the owner of the whole property. There is also a triangle shaped right of way to the rear property.

Mr. Oshinsky testified that no structural changes to the garage will be made. A front door and windows will be added. The current driveway will accommodate the parking requirements.

Mrs. Nusslein is a nurse and is skeptical of other housing for her mother, especially during the pandemic.

Mr and Mrs. Nusslein were sworn in by Board Solicitor Kingsbury.

Mr. Kingsbury asked if the Nusslein's would be opposed to "Deed Restrictions" limiting the occupancy to only family members.

Mrs. Nusslein testified that the application is very important to her family. Her mother has lived in Maple Shade for 36 years and is no longer capable of living on her own, nor is it affordable for her mom.

She appreciates the Board hearing her application, and wants to do this project the right way.

Engineer's Report:

Applicant has addressed the Positive-Negative Criteria.

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The Change of Use requires two Bulk Variances, Grading Plan Waiver and Deed Restriction.

1. Bulk Variance 1- Going from an Accessory Structure to a 2<sup>nd</sup> Dwelling
2. Bulk Variance 2- Side Yard Setback- Code is 12' has 11.13, Code is 30', has 29.4
3. Deed Restriction- Family Member only may occupy dwelling
4. Grading Plan Waiver

Engineer's other concerns include How utilities will tie in to existing home, ADA Ramp (not necessary) dwelling is ground level.

Parking- Seems satisfactory, has ability to turn around.

Major Concern is the Grading Plan from sidewalk to front entrance of the Second dwelling.

Chairman Gee opened up to the General Public

Mr. Michael Rakowski Esq. is representing The Novatsky's who own the Adjacent property at 833 N. Forklanding Rd. Their concerns are with Impervious ground coverage, run-off, noise and lighting.

Their property was Sub-divided to attain the rental property that fronts N. Forklanding.

Chairman Gee stated that he feels the traffic on N. Forklanding Rd generates More noise that the 2<sup>nd</sup> dwelling would create.

Chairman Gee asked the Board Members if they have any questions. None

Chairman Gee opened the meeting to the Public.

Three members of the community were sworn in by Mr. Kingsbury, Board Attorney.

1. Angelo Spinelli of 111 E Park Ave is in total support of the application.
2. Shanon Baynum of 1104 Fernwood Ave (Lives directly behind the Nussleins) is in total favor of the application
3. Rob Robinson of 825 N. Forklanding has no objection to the application.

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Chairman Gee closed the Public Portion of the Meeting

Motion to Approve with Restriction was made by Ms. Valentino, second by Ms. Santori, approve votes by Gee, Bimmer, Radie, Valentino, Santori.

Mr. Zahradnick recused himself due to being within 200 feet of the propert

### 3. **131 E. Kings Highway (NJSH Route 41)**-Block 17 Lot 4; BJ's Wholesale

(SPR#2020-01)

Zone: BD-1

Existing Use: Retail warehouse with Automotive tire service

Proposed Use: Retail warehouse with automotive tire service and fuel service station

Application: Preliminary & Final Site Plan Approval/ Variance Relief

Mr. George Mateo Jr., Esq. Represents BJ'S Wholesale in their Application

The Application has been divided into 3 Parts.

A. Submission Waivers-Engineer's Report

B. Use Variance- to permit gas filling station

C. Site-Plan and Bulk Variances, signage and Canopy Size

Witnesses: Sworn in by Board Attorney Kingsbury

Professional Planner James Miller

Professional Engineer Mark Malinowski

Professional Traffic Engineer Nathan Mosley

Exhibits: Aerial Photo of the Site and Proposed Filling Station Area

The 12.3 acre site is developed into a Warehouse and a 108,000 sq ft

That fronts both Lenola Rd and E Kings Highway

The Site has Woods Edge Apartments on one side and the U-Haul

Complex on the other. A Service Station and a small strip mall sit on the Southeast Corner.

The "RED" Area of the aerial photo is the proposed site of the filling Station and canopy. There will be no change to the entrances and exits

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Of the existing parking lot. The 3 underground holding tanks are shown on the aerial photo.

A Motion to “Deem the Application Complete “ and grant the two sub-Mission waivers was made by Radie, second by Valentino, All Approve

The Second Component of the Application: Use Variance was presented by Mr. James Miller, Professional Planner

1. Mr. Miller testified that the BJ’S Site is in the Business Development Zone

142 of the 219 BJ’S Wholesale locations offer Gas Filling Facilities. Gasoline Services are a convenience to Club members as a one stop shopping trip. 35-55% of the Club Members.

2. Mr. Miller feels the Filling Station will enhance the “Deadspace” in the parking lot.

There is ample capacity to allow this new component. There are currently 539 Parking Spaces. On the busiest day only 293 were used. The new Filling Station would reduce the number of parking spaces to 413.

3. This property is an ideal location in the Business District Zone for a filling station to adjoin the existing highway network.

Mr. Miller feels there is no Negative Criteria.

The relief granted will not impact the Zone and will have less impact than a Service Station.

Mr. Mateo would also like to state that this is for cars only, and it will not Become a Truck Stop.

Chairman Gee asked “How would you stipulate No Tractor Trailers”? He feels this would have a negative impact on the traffic flow.

Mr. Mateo stated that the Canopy and “LOW Flow dispensers would not Accommodate the Tractor Trailers.

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Board Member Valentino asked if the facility would only be available to Club Members or to anyone? Also concerned about the appearance of the shared Driveway with U-Haul. Chairman Gee shared Ms. Valentino's concerns over The shared driveway and how often are the Tanks refilled?

Mr. Mateo stated the safety concerns would be addressed in the Site-Plan And Variance section of the Application.

Board Engineer McNulty would like examples of how granting this variance Will not impact the two existing Service Stations. Luke-Oil and Speedway.

Mr. Miller stated that BJ's targets different clientele and that there is so Much traffic in the area that it can support all three Gas Stations.

Chairman Gee asked "Isn't BJ's Discounted Gasoline?" (Like Costco)

Board Engineer would like it on record that the price would be the same for All customers.

Board Attorney Kingsbury asked about payment method: Cash or Credit only Mr. Mateo stated that BJ'S accepts Cash.

Chairman Gee also asked if part of the plan was to have an electric Recharging Station? Mr. Mateo replied, not at this time.

Chairman Gee opened the meeting to the General Public: No Comments Public Portion closed.

Mr. Mateo would like to defer the third and final section of the application Until the February 10, 2021 Zoning Board Meeting.

A Motion to Approve the Use- Variance portion of the Application being Subject to the Site-Plan Review and restrictions of Tractor Trailers was made By Mr. Bimmer, second by Ms. Radie, All Approve

A Motion to continue the Site Plan portion of the Application until February 10, 2021 was made by Mr. Zahradnick, second by Mr. Bimmer, All Approve



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4. **636 N. Forkanding Rd.** Block 1.04 Lot 4 ZBA # 2021-01

RA/ R1

Existing Use: Knights of Columbus (Community Hall)

Proposed Use: Commercial Office Space

Application: Variance Relief (Use)

Vice Chairman Bimmer Recused himself from the application

Esquire Richard Roy presented the Application

Mr. Justin Bennet was sworn in by Board Attorney Kingsbury

Mr. Roy stated the Biditt Group is looking to convert the esxhisting Knights of Columbus to a commercial office space. There will be no changes to the outside of the building other than overall cleanup.

The Biditt Group has outgrown their current location at 8 S. Forklanding Rd. they operate as a managed IT Group with 14 Employees. Their heart is set on staying in Maple Shade.

The hours of operation will be 8 am -6 pm. This is not a retail operation. The building is fairly good size so will be looking for a tenant to rent the other half of the building down the road.

In Mr. Roy's presentation he states that the proposed use would have less of an impact on the neighborhood than the existing catering hall. The Group would expect deliveries about 2-3 times a week from Fed Ex, WB Mason and Amazon.

Mr. Bennet states that he is looking to be a long term owner and wishes to be a "Good" Neighbor to all in proximity.

Mr. Roy stated they are looking for a Site-Plan waiver or "Deferral" to phase in exterior improvements, like signage and parking lot paving. The site has 56 parking spaces. He would like to do general clean-up, shrub maintenance and fence painting to get started.

Board Engineer's Mc Nulty's report on the Use Variance.

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- a. Feels it would be appropriate to lower the light levels, waiver needed.
- b. Clean up and maintain the shrubs and the Fencing
- c. Sidewalk Widening
- d. Deferral for Parking Lot Paving to 18 months

Mr. Bennet is willing to address all concerns with the exception of the Sidewalk Widening. The door is located in the rear and since this is not a Retail operation he feels that is unnecessary. He plans to hire a local land-Scaper to address the overgrown shrubs and to maintain the property.

Board Member Radie asked if Deferral was from time of Approval, if Granted, or when occupancy occurs.

Board Attorney Kingsbury said it would be from Occupancy.

Chairman Gee opened the meeting to the general Public.

Ms. Edy Spiewak was sworn in by Attorney Kingsbury. Ms. Spiewak's Property is located on Farm House Lane adjacent to the proposed Site.

Ms. Spiewak has concerns over property values, a commercial property in A residential zone and also traffic concerns.

Chairman Gee stated that he feels N Forklanding Rd is already a highly Traveled road, and the impact of a small Commercial Office Building Would have less impact than a Catering hall (either existing or new owner)

Board Member Radie asked if there was any information provided as to Decreased property values. None was presented, and that would be the Responsibility of the Challenger.

Tim Ewing represents the Maple Shade Home Assn was sworn in by Solicitor Kingsbury.

He Stated that the building is currently operating as the Knights of Columbus. Mirabella and Touch of Class have been the official caterers. Due to Covid 19 events have dried up.

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The Choice would be to find another Caterer or rent it out themselves for Future Events. They currently do spaghetti dinners once in awhile as Fundraisers and the building has not been abandoned as stated by Ms. Spiewak.

Chairman Gee closed the Public Portion.

Chairman Gee stated we have 6 voting members and 5 affirmative votes Are needed.

A Motion to Approve the Use Variance with the Deferral was made by Ms. Valentino. Affirmative Votes were made by Gee, Radie, Valentino, Biebich, Santori, and Zahradnick.

A Motion to Approve the Minutes was made by Mr. Bimmer, Second by Valentino, All Approve

**Engineer's Report:** Carvision is seeking a site-plan waiver to expand the Parking Lot .

Board Attorney Kingsbury said they must reapply to the Zoning Board with An amended Site-Plan.

A Motion to Adjourn was made by Mr. Bimmer, second by Gee, All approve

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