

**Zoning Board Of Adjustment
May 11, 2022
Draft**

Meeting: Zoning Board of Adjustment

Date: May 11, 2022

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

Member	Present	Absent
Chairman John Gee, Jr.		X
V. Chair Michael Bimmer	X	
Miriam Bebitch	X	
Karen Radie	X	
Gregory Taylor		X
Lu Valentino		X
John Zahradnick	X	
Joanne Mortimer Alt # 1	X	
William Zerega Alt # 2	X	
Laura Walthy Alt # 3		X
Jermaine Williams Alt #4	X	

V. New Business: None

VI. Old Business:

- a. **52 South Fellowship Rd.**-Block 97, Lot 19; Aryeh Holdings 2, LLC.
ZBA-22-01
Zone: Residential District (R-2)
Existing Use: Building Rehabbed- One unit occupied.
Proposed Use: To Determine 3-Unit pre-existing or 2-unit conditional non-conforming use.
Application: d (3) conditional use variance, various bulk or “c” variances and waivers approval for 2- or 3-unit multi family dwelling.

Gary Zangerle, Esq. presented the Application.

The Application seeks determination for a pre-existing three family unit dwelling.

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Witnesses: James A Miller, Planner
Bill H Nicholson, Engineer
Abaham Aryeh, Property Owner

Mr. Zangerle stated that in 1982 on the Maple Shade Tax Assessor Sheet, the property was assessed for two units. IN 2013, the property was inspected as a three-family unit. Our planner will present testimony that there will be no negative impact on the neighborhood. The property has been used as a duplex for approx. 40 years.

Mr. Zangerle welcomed his first witness. Mr. Bill Nicholson. Mr. Nicholson will be accepted as an expert witness with over 40 years of experience. The goal of Mr. Nicholson's testimony was to create a site-plan showing parking spaces, a driveway and a Trash and Recycling area.

Mr. Zangerle asked about lighting?

Mr. Nicholson said that can be added and kept to the Township Code. He would add building mounted lighting to the plan.

Mr. Zangerle asked to explain the parking area.

Mr. Nicholson stated that 5.6 parking spaces would be required for the 4 bedrooms that would make up the triplex. He continued that a minimus variance would be required for this.

Mr. Zangerle presented a slide show of pictures indicating where the 5 parking spaces would be as well as the Trash Enclosure area.

Mr. Nicholson added that landscaping and lighting can and will be added at the recommendation of the Township Engineer.

Zoning Board Engineer Mr. McNulty asked if the Applicant is still requesting a Site-Plan Waiver?

Mr. Zangerle stated that Yes, We are requesting a full Site-Plan Waiver. He continued that this property has been on the Tax Record for 110 years.

Mr. Nicholson showed the sidewalk from the rear of the property to the Parking area.

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Zoning Officer Soni stated that there is not a walking path from the ground floor apartment to the Parking Area. Can you make the driveway 3 feet wider to accommodate a walking path from the front to the rear?

Board Engineer McNulty added that one of the parking spots appears to be half on the concrete and half on the gravel driveway. He asked if they are requesting a variance for reduced parking space size? He feels that the garage interferes with Parking spot #4 as indicated on the plan.

Board Solicitor Kingsbury asked if the 4 parking spots interfere with the 5th spot located inside the garage. Can the Garage spot maneuver out when all other spots are filled?

Mr. Nicholson testified that all should be fine because a car could back all of the way out.

Vice Chairman Bimmer dismissed Mr. Nicholson.

Mr. Zangerle presented Mr. Abraham Aryeh. Mr Aryeh is the principal partner of Aryeh Holdings, LLC.

Mr. Zangerle asked when Mr. Aryeh purchased the property?

Mr. Aryeh responded that he purchased the property in 2020. Pictures were shown of the property from 2019 prior to the Rehabilitation to show the improvements.

Mr. Zangerle asked Mr. Aryeh if he purchased Title Insurance?

Mr. Aryeh stated that NO, he had not. He purchased the advertised property as a three-unit dwelling.

Board Solicitor Kingsbury asked Mr. Aryeh if he financed the property or paid cash? Mr. Aryeh stated that he financed.

Mr. Zangerle asked Mr. Aryeh to explain the rehabilitation of the dwelling and pictures were presented.

Mr. Aryeh stated that he has spent over \$180, 000 not including the cost of the property. He continued that all repairs were made to the structure without changing the overall layout.

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Zoning Officer Soni stated that not a single unit being proposed is ADA Compliant. Could the ground floor unit be made ADA Accessible?

Mr. Aryeh stated that currently the first-floor unit is occupied.

Board Engineer McNulty suggested that maybe the Historic Structure Exemption could be invoked for this property.

Board Member Zahradnick said that Mr. Aryeh is coming here tonight for a “use” Variance. He added that a three-unit dwelling requires a sprinkler system.

Zoning Officer Soni said the Sprinkler system would be a condition of approval. He further added that Fire-Proof Sheetrock would also be required for a three unit dwelling. Both of these items will be addressed respectively the Fire Inspector and the Construction Official.

Mr.Zangerle called his last witness, Mr. James A Miller, LPP.
Does the Board accept Mr. Miller as an expert witness?

Mr. Miller stated that Land Use Law is in place to encourage land use for all residents.

This property’s non-conforming front setback predates Zoning Law. He further added that being half of a twin with only 7500 square feet is also a problem, where 10,500 is required.

His Positive Criteria for Approval and reasons we believe you should grant this approval are:

1. The Use corresponds with the history of the structure.
2. The Floor Plan is suitable for three units.
3. We believe the deviation from the Parking Standards are minimus.
4. The dwelling satisfies C-2 criteria by not enlarging the Footprint.
5. This relatively large structure would be of little value to a single family.

The Negative Criteria:

Mr. Miller quoted the Coventry Square Case. Rehabbing a blighted structure contributes to Public Welfare.

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A Zoning variance will keep the structure viable, and it is his belief that the Board can reconcile this relief.

Zoning Officer Soni asked if there was a picture of the third floor unit bathroom? Board Member Williams asked if the third floor unit had its own entrance? Pictures were shown of each.

Vice Chairman Bimmer opened the meeting to the General Public. None Public Portion closed.

Mr. Zangerle asked if the Applicant could be given some time to gravel the driveway? He is simply out of funds at the present time.

Vice Chairman Bimmer said 12 months should be more than sufficient.

Board Solicitor Kingsbury stated the Conditions of Approval if a Motion to Approve is made for the conditional use variance.

1. Lot Size is not adequate.
2. Number of Parking Spaces.
3. Site-Plan Waiver
4. Meeting Fire and Construction Code Requirements.
5. Install gravel driveway within 12 months
6. Convert the First Floor unit to ADA accessible once the present tenant vacates.

A Motion to Approve was made by Ms. Bebitch, second by Mr. Zahradnick, All Approve

Miscellaneous:

1. Resolutions:

- a. Resolution No. 2022-ZB-22-04 granting triplex dwelling to Dominick Leonetti; 716 E Main St, Block 18 Lot 4

A Motion to accept this resolution was made by Ms. Bebitch, second by Mr. Zahradnick, All Approve

- b. Resolution No. 2022-ZB-22-05 granting Fence Relocation and denial of the building addition to Lee Marie Torres-Colon; 43 W Park Ave-Block 16 Lot 1

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A Motion to accept this resolution was made by Mr. Zerega, second by Ms. Bebitch, All Approve

VII. Minutes: April 13, 2022

A Motion to Approve the Minutes was made by Ms. Bebitch, second by Mr. Zahradnick, All Approve

VIII. Adjourn:

A Motion to adjourn was made by Ms. Bebitch, second by Mr. Taylor, All Approve