

**Zoning Board Of Adjustment  
January 11, 2023  
Final Draft**

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**Meeting: Zoning Board of Adjustment**

**Date: January 11, 2023**

- I. Meeting called to order at 7:07 pm
- II. Pledge of Allegiance
- III. Open Public Meeting Act
- IV. Roll Call

<b>Member</b>	<b>Present</b>	<b>Absent</b>
Chairman John Gee, Jr.	X	
John Bearden	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. Oath of Office:**

- 1. Miriam Bebitch            Class IV (12/31/2026)
- 2. Laura Kozierachi        Alternate #2 (12/31/2024)
- 3. Jermaine Williams      Alternate #3 (12/31/2024)
- 4. John Bearden            Alternate #4 (12/31/2023)

**VI. Organization of the Board:**

Nomination of Chair: Ms. Radie nominated Mr. Gee, second by Ms. Valentino, All Approve

Nomination of Vice Chair: Mr. Gee nominated Ms. Radie, second by Ms. Valentino, All Approve

Chairman Gee asked for a Motion to appoint a second Vice Chairman:

A Motion for second vice-chairman was made by Ms. Valentino, second by Ms. Radie, All Approve

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Nomination of second Vice Chairman: A Motion to nominate Mr. Zahradnick

Was made by Mr. Gee, second by Ms. Valentino, All Approve

Appointment of Attorney: Chairman Gee nominated Mr. Robert Kingsbury,

Second by Ms. Valentino, All Approve

Appointment of Engineer: Chairman Gee nominated Mr. Douglass Rohmeyer

Of CME, second by Ms. Valentino, All Approve

Appointment of Secretary: Chairman Gee nominated Jayne Eastwick, second

By Ms. Radie, All Approve

Appointment of Environmental Engineer: Chairman Gee nominated Mr. Mark

Selover of ERI, second by Ms. Radie, All Approve

Consent Approval of Meeting Dates for the year as set by Council:

Chairman Gee motioned to accept the meeting dates, second by Ms.

Kozeriachi, All Approve

Consent Approval of Official Newspaper authorized by Council. Courier Post,

The Central Record and Burlington County Times.

Vice Chairman Zahradnick motioned to accept, second by Vice Chair Radie,

All Approve

### **V. New Business:**

1. **575 Cutler Ave-** Block 145, Lot 15; Sheri Fried; Application #ZBA-22-16  
Zone: Residence Districts (RA)  
Existing Use: Residential  
Proposed Use: Residential  
Application: Bulk "C" variance approval for reduced front yard setback.  
Applicant proposes to construct a covered front porch attached to one-story single-family dwelling.

Mr. Michael Zawacki will present the application to the Board, Mr. Zawacki has been sworn in by Board Solicitor Kingsbury.

Mr. Zawacki stated that we would like to build a covered porch/deck on the front of the house, 10' wide by 16' long. It will have white rails and trim and trek decking. The deck will be 44 inches off the ground.

Chairman Gee asked Board Engineer Rohmeyer to address the applicant.

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Mr. Rohmeyer asked about the height of the roof, and will the porch be enclosed?

Mr. Zawackei stated 11' at the highest point and the porch will not be enclosed.

Mr. Rohmeyer asked about stormwater runoff. Are the downspouts towards the front lawn?

Mr. Zawacki stated yes, towards the front lawn.

Mr. Rohmeyer asked what is the reason you would like to build this porch?

Mr. Zawacki testified that the front steps are deteriorating, and currently you must pull yourself up to enter the front door. There is no landing at door level. He feels it will greatly improve the front appearance and provide a nice porch for relaxing and package delivery. The new construction will be code compliant.

Chairman Gee asked for photographs.

Mr. Zawacki provided a packet of multiple pictures. The closest to his design are #611 & #540 Cutler Ave.

Chairman Gee opened the meeting to the General Public, None

Chairman Gee closed the Public Portion.

A Motion to Approve the Application was made by Ms. Valentino, second by Ms. Bebitch, All Approve

2. **26 S Forklanding Rd & 21 Helen Ave.** Block 126, Lot 14; South Jersey Vietnamese Alliance Church; Application #ZBA-22-17  
Zone: Residence District (R-2)  
Existing Use: Church- Religious Organization  
Proposed Use: Church- Religious Facility consistent with current use.  
Application: Site Plan waiver, and determination of pre-existing conditional Use to allow continuance of church, sanctuary and parsonage buildings use on the tract.

Keith A Loughlin, Esquire presented the case for the Applicant.

We are seeking a Site Plan Waiver and determination of pre-existing conditional use. He added that there are no proposed changes to the exterior.

Ms. Tracy Nguyen was sworn in by Solicitor Kingsbury.

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Ms. Nguyen stated that in 2003 Christian Ministry Alliance was started. We provide worship, service, and fellowship for approximately 40 families. Currently, our services are in Pennsauken and we have outgrown that location. We are under contract to purchase the Lutheran Church. We would have worship on Sunday's from 10:30 -12:00.with Sunday School starting at 9 am. We would have one full time employee.

From an activity perspective, South Jersey Vietnamese Alliance Church would prepare Soup Kitchen care packages, Senior citizen home and neighborhood clean-up, and nursing home activities. The church would keep the same sign, just change the letters.

Chairman Gee stated that this facility has a full commercial kitchen which enables your mission. Parking is a concern, your congregation must use the Municipal Lots and not park in the neighborhoods.

Chairman Gee asked for Board Member questions?

Mr. Bearden asked if the parishioners were from Maple Shade?

Ms. Nguyen stated that most are from Pennsauken and Cherry Hill.

Ms. Bebitch asked about the soup kitchen activity?

Ms. Nguyen stated that as immigrants in the 90's, we were assisted and would like to do the same for future immigrants. We would like to teach the younger generations to assist those less fortunate.

Ms. Valentino asked "How many days of the week and hours would you operate the Soup Kitchen?"

Chairman Gee stated that the Soup Kitchen use is significantly different from the current use.

Ms. Nguyen testified that the operation would not be on ether a daily or weekly basis, maybe only Holiday times.

Mr. Zahradnick asked if the Pastor would be living in the parsonage?

Ms. Nguyen stated that yes, pastor Hai Le will be living there.

Board Engineer Rohmeyer asked about other events? ie: weddings, funerals, congregation meetings,

Pastor Hai Le stated that those events would only occur on Saturdays or Sundays.

Mr. Loughlin introduced Mr. Ken Levers of Environmental Consultants.

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The Board recognized Mr. Levers as an expert witness.

With regards to the parking, we have Exhibits A-1, A-2. Photos of the Municipal Lots were taken on December 13, 2022. Approximately 40 cars will be generated on Sunday mornings, that are traditionally the least used time of the Lots. The Prior Church had a large congregation and existed for 73 years using the Municipal Lots.

Mr. Levers stated that no changes to the exterior of the building will be made and the application is seeking determination of the continuing pre-existing use. Mr. Levers stated that no changes were planned for Signage, Lighting and Landscaping.

Chairman Gee asked for Board Member Questions.

Ms. Kozeraichi asked Mr. Zahradnick(member of the previous church) if there was ever a parking problem? He stated no.

Board Engineer Rohmeyer stated that the Applicant is here to seek a Site plan Waiver.

Mr. Rohmeyer had several questions.

1. What type of worship? Will the pews remain and are they fixed in place? Yes
2. Trash and Recycling Container, Will that stay on Helen Ave? Yes
3. How do disabled congregants get access? Mr. Hai Le stated that the front door  
Is at grade and there is a ramp at the side entrance. Handicapped spots are available in the Municipal Lot.
4. The Application requires a conditional D(3) use variance seeking relief from one or more conditions that would permit a conditional use on a site less than one acre.

Chairman Gee asked how short is the lot? Rohmeyer stated .4 acres short. Board Solicitor Kingsbury stated that if the Board determines the property pre-dates zoning and is "grandfathered" than no variance is required.

Board Engineer Rohmeyer feels the Positive Criteria have been satisfied because the conditional use has already been determined to be suitable to the site.

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With regards to Negative Criteria, no detriment to Public good or impair the intent of the Zone Plan.

Chairman Gee opened the meeting to the General Public, None. Public Portion was closed.

A Motion to Approve was made by Vice Chair Radie, second by Vice Chair Zahradnick, All Approve

- 3. 586 Route 38 East**- Block 189.01, Lot 3.05; Take 5 Express Carwash; Application #ZBA-22-08  
Zone: Business Development (BD)  
Existing Use: Carwash and Lube Facility  
Proposed Use: Modify existing Carwash & Lube facility by removing the Lube portion of the building and installing three carwash kiosks with other appurtenances.  
Application: Interpretation on proposed modifications that is not an expansion on non-conforming use; or request to grant use variance approval (if necessary)

Mr. Kevin Sheehan of Parker, McCay will represent the Applicant.

The proposed Take 5 Express is located in the BD Zone. Take 5 operates approximately 900 car wash locations nationwide, with 350 here in the State of NJ.

Currently the Property also has a Lube-Oil Facility. Take 5 will demolish this portion of the building and add three pay kiosks.

Mr. Sheehan further added that in 2020 Finish Line(previous owner) was granted Zoning Board approval to waive the Site Plan. He further added that this is not an expansion of the conditional use.

Mr. Adam Graham is the Senior Real Estate Developer for Take 5. Mr. Graham was sworn in by Board Solicitor Kingsbury.

Mr. Graham testified that take 5 will have 4-5 employees. The hours of operation will be 7 am-7 pm, 7 days a week. Trash Removal will be one day

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a week. Customers will pay at the kiosk and enter the Tunnel with the car in neutral, foot off the brake, and remains in the car the entire time.

Chairman Gee asked for Board Questions.

Mr. Williams asked if they were removing the Lube oil section of the building? Mr. Graham stated yes.

Mr. Chad Gaulrapp of Pennoni Associates presented aerial photos of the proposed site.

Mr. Gaulrapp was recognized as an expert witness.

Existing and proposed parking, lighting and landscaping are shown, some of which is located on the border of Extra Space Storage. In the title there is a description of the easement, parking, lighting and landscaping.

Chairman Gee asked if the Board had jurisdiction over an easement? Does the easement include vacuum stalls?

Mr. Sheehan stated he would take care of adding the vacuum stalls to the easement.

Board Engineer Rohmeyer asked about the Tunnel, recirculating system, water demand and sewage disposal. You are installing 3 self-pay kiosks, which in turn increases the number of cars being serviced. To me this means expansion.

Ms. Beth Grasso of Pennoni Associates was introduced. Ms. Grasso was recognized as an expert witness.

Ms. Grasso stated that the proposal consists of a retrofitted car wash with 78 trips during peak hours. She feels this is a reduction of traffic at the site.

Board Engineer Rohmeyer asked if the vacuums were free? The Applicant answered yes.

He continued with the circulation of the lot. The Trash enclosure is located on the front of the property. This requires a variance. Why can't the Trash enclosure stay in the rear? Seems a better fit for overall circulation.

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Mr. Sheehan introduced Mr. James Miller, PP.

Mr. Miller was recognized as an expert witness.

Mr. Miller stated that the prior owner, Finish Line, came in front of this Board for relief in 2020. The Board approved the relocation of the Trash enclosure to the front of the property.

He further added, that in his opinion, this is a reduction in scale. The removal of the Lube-Oil Business reduces the overall traffic on the lot.

Board Engineer Rohmeyer stated that his findings indicate an intensification of use. A D-3 variance might suit the applicant better.

Board Solicitor Kingsbury stated that a determination of the application is an expansion or not.

Mr. Zahradnick made a motion that the application is not an expansion, second by Ms. Bebitch, All Approve

Zoning Officer Soni asked the applicant about estimated water usage. You have not provided us with any information in this regard.

Chairman Gee stated that this is not a Zoning Board consideration.

Mr. Sheeran went on to the enhanced sign package. 6 signs in total are being proposed. 2 on the front of the building, 1 on each side of the building, the Marquee sign and the one on the top of the newly constructed Tower. The façade is 58 1/2" where 50" is allowed.

A variance will be required for the additional signs.

Mr. Miller stated that the MLUL advances the purpose of attractive signs.

Chairman Gee asked Board Engineer Rohmeyer if we have covered everything?

Board Engineer Rohmeyer stated:

1. No irrigation is proposed for the perimeter landscaping.
2. Site Lighting- no plan was submitted.
3. Stormwater Management- reduced building size reduces run-off.
4. Variance for 5' landscape buffer on each side. Needs relief on the East side



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5. Sidewalk variance. Sidewalks are not proposed.
6. Turning Template not provided ie: Fire Apparatus and Trash Removal
7. Variance- a condition of approval required from the Fire Department and the Utility Department.

Chairman Gee opened the meeting to the General Public, None, Public Portion closed.

Board Solicitor Kingsbury stated the conditions of Approval

1. Sign package
2. Site plan approval and compliance
3. Sidewalk waiver
4. Fire and Utility Department Approval
5. Landscape irrigation
6. Buffering Approval

A Motion to Approve was made by Vice Chair Zahradnick, second by Vice Chair Radie, All Approve

### **VII. Old Business: None**

1. Resolutions: None
2. Minutes: January 11, 2023

A Motion to accept the minutes was made by Chairman Gee, second by Mr. Zahradnick, All Approve

### **VIII. Adjourn:**

A Motion to adjourn was made by Ms. Valentino, second by Ms. Kozeraichi, All Approve

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