

Zoning Board Of Adjustment
July 12, 2023
Draft

Meeting: Zoning Board of Adjustment

Date: April 13, 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 Karen Radie	X	
Miriam Bebitch	X	
Joanne Mortimer	X	
Gregory Taylor	X	
Lu Valentino	X	
John Zahradnick	X	
William Zerega Alt # 1	X	
Laura Kozerachi Alt # 2	X	
Jermaine Williams Alt #3	X	
John Beardon Alt # 4		X

V. New Business:

- a. **4 N. Forklanding Rd** Block 63, Lot 8: Paula Byll; ZBA-23-04.
Zone: Downtown District (DB)
Existing Use: Dance School
Proposed Use: Small Scale friends & family or Corporate event space
Application: Site Plan Waiver and Use Variance approval

Solicitor Kingsbury swore in Paula Byll, Applicant.
Esq. Matthew Zabel represents the Applicant.

Mr. Zabel stated that Ms. Byll would like to open a small scale event space at the 4 N. Forklanding location. This would be for baby and wedding showers, birthday parties, luncheons. She will not allow alcohol and she will not be serving or

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preparing food at the location. Ms. Byll is going to put together Menu's from all of the local restaurants to boost them as well.

Chairman Gee asked if Ms. Byll had brought her list of Do's and Dont's as part of her submission plan as discussed at the Site Plan Meeting.

Ms. Byll stated that she had not prepared that for this evening.

As a Condition of Approval if granted tonight, that must be submitted.

These items must be addressed:

- a. No Alcohol as part of the signed contract.
- b. No congregating out front: ie; smoking, phone use etc.
- c. Loading in the rear of the building only
- d. Signage: inside NO ALCOHOL, NO SMOKING
- e. No Food provided. Everything must come in thru the rear door

Chairman Gee asked about the Dumpster Contract?

Ms. Byll presented a sample contract from Republic Services

I would be willing to give up my one parking spot for the dumpster.

Vice Chair Radie asked "How many events do you hope to host on a weekly basis?"

Ms. Byll stated that her hours on the weekend are 9 am-9pm Fri, Sat Sun.

During the week from 11 am – 8 pm. She would like to host as many events as possible during these hours.

Ms. Valentino asked about the Exhibit showing 8 tables of 8. That equals 64 people. How big a space are we talking about here? Is there an occupancy limit?

Ms. Radie stated that 64 people for one bathroom is not realistic.

Chairman Gee asked Ms. Byll is she had gotten an occupancy limit from the Fire Marshall as discussed at the Site Plan meeting.

Ms. Byll stated that she had attempted several times, but no one has gotten back to her. Chairman Gee's suggestion is to call the Township Mgr. You will have to comply with occupancy limits, bathroom requirements, ADA accessibility as per the Fire Marshall.

Mr Zabel stated that if the limits are too low, then Ms. Byll would have to walk away. He would hate to see another empty store front.

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Mr. Zerega asked if Ms. Byll had experience in hosting Events?

Ms. Byll stated that yes, she has years of experience in the food service business and has hosted many events for her family and friends. She is excited about starting her own brick and mortar location.

Mr. Williams asked if she will be on site during the events?

Board Attorney Kingsbury stated that would be required. An employee must be present, not just a friend or husband. For insurance reasons.

Mr. Zahradnick stated that he thinks there is a lot of unanswered questions here tonight, he suggests the applicant come back with more concrete answers. I.e: occupancy level, bathroom situation, signage has not been presented.

Chairman Gee stated that all of those concerns will be a condition of approval.

Engineer's Report: Board Engineer Gray, CME

1. Proposed Use is not allowed. Variance Required
2. No structural changes proposed
3. Site plan waiver
4. Positive and Negative criteria for granting use variance
5. Parking- I believe a parking variance is required even with the Municipal Lot, Code says number of spots for number of people
6. Loading-unloading in the rear only
7. Firm hours of operation
8. Recycling and Trash contracts
9. Noise Pollution
10. Signage: No Alcohol, No Loitering
11. Permission of Property Owner to be here tonight?

Chairman Gee asked Mr. Zabel to present his positive and negative criteria.

Mr. Zabel stated that the positive would be a great small space to host events.

Many people simply do not have the room in their bungalows here in town. This is a great little Town and bringing people here would be a positive thing. The boost to the small restaurants would also be positive. Mr. Zabel cannot see any negatives, as long as Ms. Byll sticks to the Conditions of Approval and to Code.

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Board Solicitor Kingsbury listed the Conditions of Approval for each Motion.

1. Grant Use Variance: Special Events
 - a. List of Prohibited Activities
 - b. Contract- to be reviewed.
 - c. No Food Prepared
 - d. No Alcohol
 - e. Capacity according to the Fire Marshall
 - f. Second Bathroom if required.
 - g. Signage showing restrictions
 - h. Accurate room dimensions
 - i. Employee present at all events
2. Site- Plan Waiver Parking Space Waiver

A Motion to Approve was made by Vice Chair Radie, second by Ms. Valentino, All Approve

2. **10 W Gradwell Avenue**- Block 106, Lot 1.01; Catherine and Edward Hill;
Amended Application #ZBA-23-04
Zone: Resident District (R-2)
Existing Use: Single Family Residence
Proposed Use: 2-Family Dwelling
Application: Seeking determination on pre-existing nonconforming use as a duplex.

Esq Ellen McDowell represented the Applicant
Catherine Hill was sworn in by Solicitor Kingsbury

Esq McDowell stated that the Hill's purchased the property at the end of 2021. They have made renovations, repairs and upgraded the property. They submitted their Landlord Registration Form only to find out the property was not a legal duplex. The property has two electric meters and was going to get the second water/sewer meter.

Our contention that it was a lawful duplex in 2000, when the Township Code 205-71 A was adopted. We are seeking determination.

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Chairman Gee asked Ms. McDowell if she reviewed the Zoning Board's Legal Determination of the Multi-Family Use.?

This was provided to your client awhile back.

Ms. McDowell stated that she had not reviewed the document, the former attorney of the Hill's had.

Chairman Gee stated that if you have one of the documents listed and you predate Zoning than you would be granted.

This document was created so that inspections can be made and Public Safety can be protected.

Chairman Gee asked Ms. McDowell if she advertised the application as interpretation?

Ms. McDowell stated yes.

Solicitor Kingsbury stated that it is the obligation of the Applicant to prove a pre-existing non-conforming use.

Ms. McDowell stated that it is their position the property was legal.

Chairman Gee asked Ms. McDowell to file for a variance.

Ms. McDowell stated that we are not going to do that.

May we request a continuance until next meeting?

Chairman Gee opened the meeting to the General Public.

Ms. Debbie Machalica was sworn in. She resides at 14 W Gradwell.

She testified that ever since she purchased her home in 1997 it has always been a multi family home.

Chairman Gee stated that this Board must follow the Law. Only testimony that goes back farther than 1970 would prove the point.

Ms. McDowell again requested a continuance until next month.

A Motion to continue until next month's meeting (August 9, 2023) was made by Mr. Zahradnick, seconded by Vice Chair Radie, All Approve

VI. Old Business: None

VII. Miscellaneous-

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- a. Resolution No. 2022-ZB-23-02 granting

A Motion to Accept the Resolution was made by Vice Chairman Bimmer,
second by Ms. Valentino, All Approve

Use variance and site plan waiver to Golf of Warminster, LLC., Eastern Lift Truck
Co. Inc. on block 85, Lot 19; Application #ZBA-23-02

A Motion to Grant Use Variance was made by:

Eligible Voters:

Valentino	Yes
Zahradnick	Yes
Bebitch	Yes
Mortimer	Yes
Zerega	Yes
Kozerachi	Yes
Chairman Gee	Yes

VII. Minutes: April 12, 2023

A Motion to Accept was made by Chairman Gee, second by Mr. Zahradnick,
All Approve

A Brief Discussion followed about an upcoming Application.

Chairman Gee stated that he and Site Plan Board Chairman Wiest discussed the
application for Mr.Soni, The Zoning Official of Maple Shade. Their determination
is that the application should be heard in a neighboring town to avoid the
appearance of inside trading.

Solicitor Kingsbury stated that he and the Planning Board Attorney agreed that
any employee of the Township has the right to apply for a variance.

It is their determination, that the Application should be heard in Maple Shade.

Mr. Soni informed the Board he is filing a new permit application and expecting
decision and guidance from the Board Professionals.

IX. Adjourn: Next Meeting August 9, 2023

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A Motion to Adjourn was made by Chairman Gee, second by Mr. Zahradnick, All Approve.

Respectfully submitted by:

Jayne Eastwick

Zoning Board Recording Secretary