

Zoning Board of Adjustment
August 9, 2023
Draft

Meeting: Zoning Board of Adjustment

Date: August 9, 2023

- I. Meeting called to order at 7:02 pm
- II. Pledge of Allegiance
- III. Open Public Meeting Act
- IV. Roll Call

Member	Present	Absent
Ms. Bebitch		X
Ms. Mortimer	X	
Ms. Valentino	X	
Vice Chr Radie		X
Vice Chr Zahradnick	X	
Chairman Gee	X	
Mr. Zerega Alt #1		X
Ms. Kozerachi Alt #2		X
Mr. Williams Alt #3		X
Mr. Bearden Alt #4		X

V. New Business: None

VI: Old Business:

- 1. 10 W Gradwell Ave**- Block 106, Lot 1.01; Catherine and Edward Hill; ZBA-22-15
Zone: Residence District (R-2)
Existing Use: single family Residence
Proposed Use: Duplex, 2 family dwelling
Application: Seeking approval for pre-existing non-conforming use as a duplex.

Ellen McDowell, Esq. represented the Applicant Catherine and Edward Hill.
All were sworn in by Solicitor Kingsbury

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Chairman Gee stated that at the initial Zoning Board Meeting we had discussed providing ordinances that supported your claim that 10 W Gradwell has a pre-existing non-conforming use.

Mc Dowell stated that the Township Clerk provided ordinances (copies provided with tab A & B) that we have submitted tonight.

The Zoning Ordinance enacted August 20, 1956 amended through July 1971.

Tab A shows R-2 Residence District:

2. Two family detached dwelling

Section 501-Use regulations

Tab B shows amending Section 205-20

Permitted use "Delete subparagraph B which states "Two Family Detached Dwelling.

Under NJ State Law the property can continue as a duplex because it predates the Zoning Amendment.

Chairman Gee stated that the focus seems to be on the word "Detached".
10 W Gradwell is not a Detached Dwelling.

Board Engineer Gray stated that the Definition of a dwelling in the Maple Shade Code Book is A single building with two units designed exclusively for two families.

Mc Dowell stated that it is her position that this property was just that prior to 1956.

Chairman Gee asked Board Members for questions.

Board member Valentino asked if the property had two separate electric meters?

Mc Dowell answered yes, 2 electric meters & 1 gas meter.

McDowell introduced Marleene Stefanik of 15 W Gradwell Ave.

Ms Stefanick was sworn in by Solicitor Kingsbury

Ms. Stefanik testified that she has been living there for 39 years. There was a family downstairs and a single gentleman upstairs.

McDowell asked if the property had been consistently occupied as a duplex?

Ms. Stefanik answered yes.

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Chairman Gee asked Mr. Hill to describe the upstairs unit.

Mr. Hill stated that it has 1 bedroom, 1 full bathroom, a living room, and a small bonus room.

McDowell introduced Ivette Abrahante of 7 W Gradwell Ave.

Ms. Abrahante was sworn in by Solicitor Kingsbury.

McDowell asked Ms. Abrahante how long she has lived there.

Ms. Abrahante stated 29 years. They moved in in 1994. She testified that there have always been renters upstairs. When the property sold to the Hill's the gentleman that had lived upstairs moved out.

Vice Chairman Zahradnik asked if there was ever any length of time that there weren't tenants in the upstairs unit?

Ms. Abrahante stated that it was never more than a month or two before a new tenant moved in.

Board Member Mortimer asked if the Property was listed as a Duplex on the Purchase contract?

Chairman Gee thanked Ms. Abrahante.

McDowell introduced Mr. Stefanik of 15 W Gradwell Ave.

She asked him if he knew the prior owners.

Mr. Stefanik stated that yes, he was a handy man of sorts and did several jobs for the former owners.

Chairman Gee asked Mr. Stefanik if he thought it was always a rental? Mr.

Stefanik said yes, he did.

Board Member Valentino asked Mr. Stefanik if he had installed the metal stairs leading up to the 2nd floor unit?

Mr. Stefanik said no, they were there when we moved in 39 years ago.

Chairman Gee thanked Mr. Stefanik.

Mc Dowell introduced Exhibit #2. This is an agreement of sale from the prior owners to Ms. Hill that the seller represents no prohibition to use as a duplex.

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Chairman Gee referred to Board Engineer Gray.

Mr. Gray asked stated several points:

1. Upstairs is a separate unit.
2. Parking Spaces-need 4, have only 3
3. Was the 2nd unit modified to code and were permits pulled?

Chairman Gee reminded the Board that they are only here tonight for an interpretation of a pre-existing non-conforming use.

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

Mc Dowell summarized by stating the Zoning ordinances were provided, State Law prohibits taking away the Property rights of ownership, and she believes this has always been a legal duplex.

Solicito Kingsbury stated that the Motion would be for a pre-existing, non-conforming use.

A Motion was made by Vice Chairman Zahradnick, seconded by Ms. Mortimer, all Approve.

2. **447 Route 38 West**-Block 141, Lot 3; 447 (F) Maple Shade Land Holdings, LLC.: #ZBA-21-09
Zone: General Commercial (C)
Existing Use: Kay Bridal-Retail Boutique Store
Proposed Use: Farmer's market and associated site improvements.
Application: Preliminary and Final Site Plan Approval
Application filed in August of 2021 thereafter amended in July 2022. The Applicant did not proceed with notification and hearing date scheduled hence dismissal without prejudice.

A Motion to dismiss without prejudice was made by Chairman Gee, seconded by Ms. Valentino, All Approve.

VII. Miscellaneous:

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Resolution No. 2023-ZB-23-03 granting use variance and site plan waiver to Paula Byll on block 63, Lot 8: Application #ZBA-23-04

A Motion to grant the use variance was made by Ms. Valentino, seconded by vice Chairman Zahradnick.

Eligible Voters:

Valentino	Approve
Zahradnick	Approve
Gee	Approve

VIII: Minutes: July 12, 2023

A Motion to accept was made by Chairman Gee, seconded by Ms. Valentino, all Approve.

IX: Adjourn:

A Motion to adjourn was made by Vice Chairman Zahradnick, seconded by Ms. Valentino, All Approve

Respectfully submitted by:

Jayne Eastwick
Zoning Board Secretary