

**Maple Shade Planning Board
February 28, 2024
Draft**

Meeting: Planning Board

Date: February 28, 2024

- I. Meeting Called to Order by Chairperson at 7.01 pm.
- II. Pledge of Allegiance
- III. Open Public Meeting Act
- IV. Oath of Office
Called by Board Attorney Stephen Boraske.
 - a. Daniel McDonald Alt #1 December 31, 2024

Roll Call

| Member | Present | Absent |
|---------------------|---------|--------|
| Mr. Joseph Dugan | X | |
| Mr. Justin Bennett | X | |
| Ms. M Constantine | X | |
| Mr. Robert Wilt | | X |
| Ms. Emily Wallace | X | |
| Mr. John Bearden | | X |
| Mr. Steve Schmidt | X | |
| Ms. Susan Danson | X | |
| Ms. Claire Volpe | X | |
| Mr. Daniel McDonald | X | |
| | | |

Chairman Dugan announced to start with Old Business case application for Dr. Brewlitttle’s Beer Co.

- V. Old Business:
 - a. **108 E. Main St** – Block 91, Lot 3; Dr. Brewlitttle’s Beer Co.; PB-22-07
 Zone: Downtown Business (DB).
 Existing Use: Micro Brewery and Yoga Studio.
 Proposed Use: Previous approved Micro Brewery, Coffee Store, and yoga Studio.
 Application: Amendment to previously approved Site Plan.
(Applicant seeking relief to construct Seasonal Tap Shed at previously approved Dog park space).

The Solicitor, Bob Baranowski, introduced Jack O’Connell, Dr. Brewlitttle’s

Maple Shade Planning Board
February 28, 2024
Draft

partner and Jeff Grogan, an architect.
Jack O'Connell was sworn in.

Mr. Dugan asked: What is a Tap Shed?

Mr. O'Connell stated it is an outside seasonal Tap Shed. It is a secret shipping container, not a metal container but a container wrapped full of wood. Our plan is to open it seasonally for customers who want to enjoy outside. There will be no power or plumbing connection to the shed. The exterior outlets from the pole barn will be used for electricity when opened and wrap back while closed.

Mr. Turek asked: Any signage on?

Mr. O'Connell: There will be a sanded off logo sign, which looks like a sanded and stained wood cart.

Mr. Turek asked the applicant to explain rear variance, buffer proposed, and signage.

Mr. O'Connell stated in October 2022 board meeting we asked for most variances. Our current production building sits at a previously approved set back and to line up with that we have proposed at the same distance. Nice spring light and planting will be added.

Tap Shed is like a shelter with a couple of tables and chairs. People can walk up, grab the drink, and sit at shipping container. More aesthetic plastic signage will be installed whatever Township approve. Abbreviates and bushes will be planted between curb and shed structure.

Mr. Turek informed the applicant about nonresidential development fees requirements and the applicant agreed to that.

Mr. Schmidt questioned the size, and Mr. O'Connell mentioned 20X 8 feet.

Mr. O'Connell stated the shipping container works like whole twenty feet side can be folded down and sits like a twenty wide platform when not in use. It can be brought up with hydraulic switches whenever it is in use like a garage door.

Chairman Dugan asked: Breweries are allowed to serve food?

Mr. O'Connell stated yes, we call it ad minimis food. We are allowed for fewer snacks testers like peanuts. We can have food trucks now. We are working

Maple Shade Planning Board
February 28, 2024
Draft

with a couple of vendors. We are restricted license holders, so no kitchen is planned. Hours of operation remain the same.

Chairman Dugan opened the meeting to the General Public. None

A Motion to close the public portion was made by Mr. Schmidt, seconded by Ms. Volpe.

Chairman Dugan asked the board members if they have any questions. None. A motion to approve the amended site plan was made by Ms. Constantine, seconded by Ms. Danson, All Approve.

VI. New Business:

- a. **29 Willow Road** – Block 189.04, Lot 6; Flanagan’s Town Center IV, LLC.; Application No. PB-23-10
Zone: Business Development (BD) (*Redevelopment Overlay Area*)
Existing use: Landscaping Facility.
Proposed Use: Passenger vehicle repair facility.
Application: Preliminary & Final Site Plan Approval.

The applicant’s attorney Ellen McDowell, engineer Teal Jefferis and General Manager Omar Vera were present at the meeting for testimony.

Ms. McDowell presented the application for Preliminary and Final Site Plan approval for 29 Willow Road property. The current owner is Young’s Landscaping. The applicant Flanagan’s Town Center proposes the use for light duty repair and automobile vehicles repair which is a permitted conditional use in this zone. She asked Mr. Vera to talk about Flanagan’s operation, which is a separate entity than the other LLC at 23 Willow Road.

Mr. Vera started their Pennsauken, Cinnaminson, and Maple Shade facility operation. Maple Shade 23 Willow Road facility is a car repair shop and Tow yard. They store towed cars from Maple Shade, Moorestown, and Mount Laurel. He said we have a significant increase in auto repair at Maple Shade and receiving lot of calls from our client trucking companies for company vehicles or employee vehicles service. We were looking for another property and the next-door property came available that would work out perfect with a large back yard for overflow vehicles and additional three bays at this new location. We can get done brakes, suspension, and other minor repair work. No body work, no heavy truck repair will be done.

Maple Shade Planning Board
February 28, 2024
Draft

Chairman Dugan stated about terrible condition of 23 Willow Road property. Cars all over at front, dumpster on the street, and a junk yard at rear found from his observation during recent visit. "Are we going to get rid of the junk yard," he questioned.

Ms. McDowell stated that we will address those things when we do the presentation of the property in question. 23 Willow Road rear is a Tow yard and was always like that.

Mr. Soni asked if any previous approval for Tow yard was gained from the board? Towing operation use is not permitted in BD zone district. Mr. Vera stated about a letter of approval obtained from zoning in 1994 when they purchased the property. Further stated they know it has been a Tow yard since the 1950's. Ms. McDowell has provided a xerox copy of letter to Mr. Soni.

Ms. McDowell asked Mr. Vera to elaborate how Tow yard operation at 29 Willow Road was operated during Covid.

Mr. Vera described about change and increase of Towed accident vehicles, abandoned vehicles and impounded vehicles. If vehicles are not retired by the owners, then with police efforts we receive junk titles from Trenton and we are able to dispose of the vehicles. He stated that they got backed up during covid at all other town locations (Merchantville, Collingwood, Pennsauken) and in maple Shade. Now a days we get title in three months from Trenton and can get rid of it a little bit quicker. He stated they do not cut or scrap vehicles like a junk yard.

Mr. Vera stated in response to Ms. McDowell's question that Police departments from Turnpike, Maple Shade, Moorestown, and Mount Laurel and from other seventeen townships asked us to store Towed vehicles those were stored at 29 Willow Road property rear. It stays there until they get title from Trenton and insurance claim settles.

Mr. Turek objected and asked: Are we talking about the application site or other site? Ans from Ms. McDowell: We are talking about only 23 Willow Road property. We have handed over to Mr. Soni a letter from George Stevenson dated February 7th, 1994, saying that the conduct at this lot 23 Willow Road two lots together is in accord with the permitted use of the

Maple Shade Planning Board
February 28, 2024
Draft

Zoning classification and there is no violation at any time she aware of. So, since 1994 23 Willow Road has been a Towing facility.

Upon Ms. McDowell's question Mr. Vera stated that they require a 29 Willow Road facility to operate for auto repair. Once we have moved in the half of the vehicles will be moved to 29 Willow Road, as we will have double the number of mechanics and bays.

Mr. Soni interrupted and stated to the applicant team that you are applying for auto repair function not for storage of the vehicles. The board will listen to the testimony related to the auto repair activities. Ms. McDowell stated, "Correct." Further requested to provide testimony about type, size, and vehicle information for which you are seeking approval.

Ms. McDowell asked Mr. vera to inform the board about testimony on PSE&G property across the Willow Road from your current location and your lease with PSE&G.

Mr. Soni interrupted and stated It is not a part of an application. The board will not hear testimony of property which is not related to the application. Ms. McDowell stated it was Mr. Dugan who brought it up. Mr. Dugan stated: Not across property. She stated: I understand.

Mr. Turek stated to the Chairman that the part of our view was bring items related to conditional use application and they are tracing other item on record. We are aware of it, the board aware of it and we have included it in the review letter so let them become aware that the board does want this to happen again.

Mr. Vera further stated light vehicles, passenger vehicles, passenger cars will be services at 29 Willow Road. The oil change, brakes and suspension repairs will be done at this site. The number of employees would be three mechanics and one extra person. The hours of operation will be 8am to 5pm from Monday to Friday and 8am to 12pm on Saturday. No air pumps, vacuum cleaners, or water fountain will be installed in the front yard. No vehicles will be parked after 72 hours of services. No vehicles will be offered for sale on the property. No tools, parts, or equipment will be stored outside and will not be offered for sale. Customers will park at the front and employee parking will be at the rear. Front parking space will not be used for vehicle repair or storage of vehicles. Customers will not be permitted to drive at the back of

Maple Shade Planning Board
February 28, 2024
Draft

the building. The front building will not be rented out and will not be used for residential purposes.

Mr. Schmidt asked for truck parking at the property and across. Mr. Vera stated that now it is not the situation. We have moved truck and Tow truck vehicle to Pennsauken facility.

Mr. Soni requested Mr. Vera to elaborate more about light vehicles because it is not a part of the application. In your testimony you mentioned light vehicles and the passenger vehicles. The application is only limited to passenger vehicles repairs. Further question: Is light vehicles repair a part of the application? Mr. Vera stated: Yes, Light vehicles and passenger vehicles. Further Mr. Soni asked: How many seater vehicles will be serviced? Mr. Vera stated: It is four to six seaters, under heavy duty grade vehicles. Mr. Soni requested to provide numbers. Mr. Vera stated chevy vehicles are twelve seaters and will be up to fifteen-seater vehicles. Mr. Soni questioned: Is the fifteen-seater vehicle a passenger vehicle? It is a passenger transportation vehicle. Your application is limited to passenger vehicles and if you say twelve or fifteen then it is a commercial vehicle.

Mr. Turek stated that the pickup truck or van for passengers is okay but there should not be a commercial tag on the vehicle.

Mr. Vera stated that a pickup truck is a commercial vehicle and anything under 26,000 pounds may have a commercial tag. There will be no dump trucks, but anything under 26,000 pounds.

Mr. Soni mentioned that in automobile repair only passenger vehicles service is included. The Township code section for conditional use is restricted to only Automobile service. Here your testimony is for light vehicles and passenger vehicles with up to fifteen seats, then it is a commercial vehicle. Mr. Vera mentioned that the state defines any vehicle under 26,000 pounds as a light duty and above as a heavy-duty vehicle and that is how we differentiate.

Mr. Soni mentioned that we are taking a decision on a local township ordinance that is limited to passenger vehicle service. So, if you define a type of vehicle other than passenger vehicle in your testimony then it becomes a use variance approval not a conditional use approval.

Maple Shade Planning Board
February 28, 2024
Draft

Board Solicitor Mr. Boraski informed the applicant's team that what you propose should comply for the service to vehicles permitted by ordinance. It will be noted on the resolution that you are limited to service the vehicles permitted by ordinance for conditional use approval. Should you be interested in serving vehicles beyond the permitted vehicles then you will have to gain approval from the Zoning Board. Tonight, if approved then it will be strictly for vehicles permitted by code. He questioned: Are you agree with that? Mr. Vera stated: Agree 100%.

Mr. Turek clarified that; The TAHOE pickup truck is 6,000 pounds not 26,000 pounds. So, the board understands that under 26,000 pounds vehicles are large vehicles and it is under state definition as light vehicles not in our ordinance.

Ms. McDowells' confirmed that we will comply to the permitted size vehicle service per township code ordinance.

Mr. Turek further stated the parking and vehicle storage on the new lot is not your intension and if it is then you need to appear with zoning board for use variance. Mr. Vera stated it is strictly for Car repair.

Mr. Soni questioned the applicant that your testimony removes light vehicle proposal, correct? Mr. Vera answered: Automobile vehicles; and Ms. McDowell answered: will comply with the ordinance.

Engineer Teal Jefferis from Jefferies Engineering Associates been considered qualified by the board chairman. Mr. Jefferis explained the site plan, location, adjacent properties, building size, surface cover, and parking. The front building will be converted into an office building, the rear will be utilized for auto service operation. The front parking will be regraded, restriped, and four parking spaces will be available. The curb at the side of the building would be modified and the drive width will be 20.5 feet. At the back stone lot will remain, identified existing parking layout, Trash area for trash and recycling, fencing, landscaping, lightings.

He further explained storm water runoff path arrangement (two inlets and a pipe in adjoining lot) to eliminate the runoff on the street. There will be a drainage easement across Mr. Young's property. There will be a minor increase in impervious coverage of 347 sq. ft. which cannot be classified as a

Maple Shade Planning Board
February 28, 2024
Draft

major development under stormwater management regulations and township ordinances.

Mr. Soni asked, “Is easement deed will be created for the stormwater arrangement”? Mr. Jefferis stated it will be a condition of approval from the board. The detention basin on Rotary Way is located within ROW of Municipal lot so easements from the Township, if required, will be obtained. We will obtain an easement from Lot 7 property owner (Young’s). Easement copies will be provided.

Further Mr. Jefferis talked about the parking situation and stated twenty-nine spaces are more than sufficient for requirements. We are seeking five variances approval for existing non-conforming conditions; lot area, side yard, parking lot buffer, side yard buffer, and rear yards are required. We are looking for a driveway width waiver for the existing 20.5 feet instead of twenty-five feet required.

Mr. Turek pointed out to the applicant to confirm their testimony on review report page 2 items about limitations and restrictions such as “No taxing, no towing” that you are agreeing on it and confirming to code. Ms. McDowell stated “Yes.” Mr. Turek further referred to the review report items with the board members and stated recommendations. The applicant’s team agreed on all per board engineer’s recommendations.

Mr. Jefferies explained to board members about the existing easement on the tract and proposed improvements in that area. No objection sought.

Chairman Dugan opened the meeting to the public – None.

A motion to close the public portion was made by Mr. Schmidt and seconded by Ms. Volpe.

Chairman Dugan asked board members if they have any questions. – None.

Ms. Volpe questioned if sometime parts are not available, and it may take longer than a week than where you will park vehicles. Mr. Vera stated no vehicles will be sitting for more than 72 hours. Our parts are coming on Tuesday and vehicles will be out on Friday. No storage over 72 hours.

Mr. Bennett questioned the Key drop box and overnight parking situation at front. Mr. Vera answered yes, and vehicles would be there at night.

Maple Shade Planning Board
February 28, 2024
Draft

Mr. Soni asked question: “The storage of vehicles for 72 hours is for passenger vehicles or for towing vehicles.” Mr. Vera stated it is for passenger vehicles, no towing.

Chairman Dugan opened for the questions from the public – None.

A motion to close the public portion was made by Mr. Schmidt and seconded by Ms. Volpe.

Board Solicitor Mr. Boraske stated and confirmed various variances and conditions on resolutions with the applicant’s team, board engineer and members. The residential structure is an accessory office for nonresidential use, and residential use for employees as it proposed. Towing and residential use will trigger use variance.

A motion to grant Conditional use and Site Plan approval was made by Mr. Schmidt and seconded by Ms. Volpe.

- b. **105 West Main St.** – Block 64, Lot 1; Barron’s Urban Renewal Associates, LP.; Application No. PB-24-01
Zone: Downtown business (BD)
Existing use: Vacant Land.
Proposed Use: Previously approved Age Restricted housing and Retail.
Application: Amendment to previously approved site plan.

The applicant’s attorney Richard Roy, engineer Anthony DAgosta and Jack Ingles from Ingles Engineering, Nathan Mosley from Shropshire Associates, and Joe Portelli from Barron’s Urban were present for testimony.

The Applicant’s Solicitor Richard Roy introduced his professional team and they been sworn by the board solicitor.

Mr. Roy briefed about approval history, project advancement and reason to appear with the board. They appeared against project specific requirements to comply with fire safety requirements and parking. He addressed Chief Kilmer’s letter, email, and guidance for easement. He stated that their benefit of having finance secured requires condition to build the building by December 2025 otherwise they would not be able to build over a decade.

Chairman Dugan questioned: “Is the funding in place right now”?

Maple Shade Planning Board
February 28, 2024
Draft

Mr. Portelli stated: We have a tax break abate that allow us to close financing and begin.”

Mr. Roy commented that Chief Kilmer’s comment about the backing of fire apparatus is not the perfect solution, but we will walk you through, propose solution and show you continue our try with a condition of approval on resolution.

Mr. Soni questioned how far you are with environmental remediation and testing, and how you will be able to complete work in 18 months. Mr. Portelli stated their environmentally related work will happen simultaneously with the rest of the construction. He stated his project manager spent time with their LSRP together to coordinate the efforts for combination of excavation, some groundwater injection, and installation of active vapor intrusion irrigation system that will happen in course of eighteen months.

Mr. Turek asked, “Is that meet residential standards”? Mr. Portelli: Says Yes.

Mr. Portelli talked more about previous communication regarding parking and fire safety requirements and their efforts. Mr. Roy stated to the board members that with the proposed change of parking reduction they meet the redevelopment plan parking requirement.

Mr. DAgosta briefed and showed proposed changes on previously approved plan to the board members such as parking spaces, no parking zone, fire truck maneuver, circulation, landscape area, general protection of building by installing fire hydrant, three wall hydrants, additional device utilizing fire protection upgrade 13-R system in the building, upgrade on sprinkler system, and additional area inside the building such as closet.

Mr. Roy stated that nobody can promise that as 100% protection. The steps that we are taking with the system as standpipe, hydrant, wall hydrants, upgraded sprinkler system are intended to minimize the chances of fire.

Mr. DAgosta further stated a reduction of seven parking spaces and those were identified on the plan to the board members.

Mr. Mosley, a traffic engineer from Shropshire, sworn and the board has acknowledged his qualification.

Mr. Mosley explained the adequacy of parking and no effect of parking reduction based on his analysis and study. He elaborated on the report

Maple Shade Planning Board

February 28, 2024

Draft

submitted with the application, surveys, area of survey, parking demand at different time and days, analysis of commercial aspects of Maple Shade and associated parking. He stated what he found in his analysis for on street parking, it is available not in front of the proposed building but available in front of other buildings in the area. It is more like a walkable area. There is an ample available parking supply. He shared the parking analysis from his report with the board members by numbers and location as well on street and on-site parking.

Mr. Mosley also explained parking supply ratio of 0.72 verses anticipated parking demand in Land Use for senior housing development and comparable ratios with ITE at different scenarios and other existing site data.

Mr. Mosley confirmed that looking at the plan we have enough off-street parking to accommodate the needs of the residential units.

Mr. Schmidt asked: Where an employee of four undetermined businesses would park? Ans: They will have to park on the street.

Mr. Turek asked how you control or monitor the parking between residential and employees of the businesses?

Mr. Roy stated there will be a full time General Manager who will monitor the parking; Car stickers and signage will be placed.

Ms. Constantin asked questions about visitors parking. Ans: There will be enough off-street parking for residences and can find parking space in immediate facilities or public parking lots.

Mr. Mosley explained to the board members about Bus Stop on the plan. It is a requirement for senior housing.

Ms. Danson referenced the 2013 approval and asked applicant to clarify for the disabled veteran's maids they will stay overnight in the building will increase demand for the parking spaces. Some retail spaces will serve the social services and parking is our concern to know.

Mr. Portelli stated out of sixty units, fifteen units may or may not have support services from state or local agencies. The support services we deliver will be in the community room area of 60 to 100 sq. ft. at certain hours. The residents who need overnight service will not have vehicles because they are no more going out.

Maple Shade Planning Board

February 28, 2024

Draft

Mr. Soni asked about the deliveries for the commercial spaces. Ans: Deliveries are anticipated at the front Main Street assigned pickup area.

Mr. Turek explained about the applicant's parking stall size proposal and Chief Kilmer's email. He stated it is a critical plan and the fire truck driver should know the exact turn radius at each movement within the tract. If a pickup truck or large vehicle is parked, then it becomes difficult to turn near compact size parking spaces.

Mr. Turek further stated Fire Chief Kilmer has raised the issue and it is a most sensitive part of this meeting. It is a health and safety issue and some of the words in the email are strong. The circulation plan does prove right for engineering, but it is extremely difficult. He also highlighted to all about his email and Chief Kilmer's thought in the email such as "it is not an optimal solution;" "very dangerous, severely hurt and killed condition" etc.

Mr. Turek and the Applicant's Team discussed possibilities of easement from neighboring property during the board meeting and mentioned easement still shall be pursued.

Chairman Dugan Stated what we do if it cannot be accomplished.

Mr. Turek mentioned it is a perfect option available to us before somebody sues the town.

Joe Portelli stated we have talked to the owners. We did try to come up with Chief Kilmer's email and try to come up with an alternative turnaround closer to what he has in mind (i.e., without backing out), but he does talk about an alternative suggestion of the easement.

Mr. Roy suggested to Mr. Portelli about they have no problem with the condition of approval on resolution being we do our best efforts to get one of these in place (either circulation plan or easement). He further stated to Mr. Portelli about the problem that if approval waits until it is in place then the offer deadline will not survive.

Mr. Portelli stated if that's the case we continue losing time. My concern is I have no firm indication whether yes or no from the owner, but I still want to continue pursue this. We really want to proceed with the design we presented this evening, knowing the scope of what we could be reviewed and attempted to have and what mitigation we have. We are trying to pursue a

Maple Shade Planning Board
February 28, 2024
Draft

practical solution to apparatus circulation. There are a couple of different ways to do that. We can explore two of them but since we have established communication with Chief since last seven months this is (board meeting room) the place to continue with. He talked about the history as, in year 2022 they initiated communication with the construction officer but never took it further because they received an interpretation from DCA and found they do not need turnaround. Then it happened barebone situation and need a turnaround.

Mr. Turek stated in your existing turnaround has critical clearances and cars hanging over line is not easy, and it is extremely difficult. Additional loss of two spaces will give little bit of movement.

Mr. Roy stated after removal of two spaces we are above requirement of redevelopment plan.

Mr. Portelli stated that the turning radius, a clearance is two feet larger than what it would be.

Mr. DAgosta showed an alternate circulation plan to the board members. And Mr. Turek commented it works best if path is straight out without backing.

Mr. Roy stated that we are happy to have a condition on resolution to have our best efforts to work with straight turnaround.

Mr. Bennett commented that we want to hear from the board attorney what is his take on this.

Mr. Boraske stated to the board members that in between ordinances and redevelopment plan we cannot hold developer to have two kinds of wage or subjective standards to have so a condition that an applicant can make a good faith effort to obtain easement would not be something to be strictly enforced and applicant shall produce evidence of that easement. If it is difficult to achieve and applicant did what best he could, then it is not a basis of denial for resolution compliance and construction permit.

Mr. Turek stated to the board members, Is fire chief approving proposed circulation in his letter or email.

Mr. Roy stated that I read the fire chief's report as it meets the intent of the fire code, and the board jurisdiction is to determine at applicant meets the

Maple Shade Planning Board
February 28, 2024
Draft

intent of the fire code. I certainly understand why backing up is not an optimal solution. If we cannot avoid it, then we will do everything what can do.

Chairman Dugan opened the meeting to the public.

Alexis Bays from 17 Terrace Ave was sworn in. She stated she is not in direct opposition to the proposal, but her concern is for parking. The street is tiny, and no one is using their lot for parking, but they park on the street. If a fire truck is trying to come through that tiny street, then making a turn either side is not going to happen. There is no signage for no parking on the street. All Gaetano's deliveries are on Terrace Ave. To me it sounds like they met the condition but whether a turnaround is tight, or isn't it?

Mr. Turek mentioned that fire truck access to the street is only during fire emergencies. Mr. Schmidt stated they are trying to get apparatus out from the fire scene.

A motion to close the public portion was made by Mr. Schmidt and seconded by Ms. Volpe.

Mr. Benett stated that it is all assumed things about fire truck turnaround. I knew Chief Kilmer's report and Fred Turek's thought on specific "yes" or "no" answer on. He (Chief Kilmer) is trying to dark liability in his letter and if there is a situation down the road 10 to 15 years from now and the letter ends up in front of the judge then he (Chief Kilmer) wants to escape from it. My biggest concern is who is liable for approval. We are not here to approve fire truck turnaround but here to hear the application and it is not our fault and I understand this is out of our jurisdiction.

Mr. Turek mentioned we may have one more testimony from the applicant's professional that they can say the vehicle can make this turn with the parking spaces on modified site plan.

Mr. Jack Ingles from Ingles Engineering sworn and acknowledged that he was an engineer with the first application years ago. He stated that he has designed a proposed maneuver, and it will work. The only critical points are two parking spaces (no. 26 & 32) but does not include going into the already striped no parking area on this backup maneuver. So, it could have been done with little bit further can make without touching it. Mr. Turek confirmed parking space no. 26 and 32 on the drawing with Mr. Ingles.

Maple Shade Planning Board
February 28, 2024
Draft

Mr. Mosley further stated the space thirty-two can be made for compact cars.

Mr. Turek stated that if an applicant gains an easement, then parking spaces should go back in.

Board Solicitor Mr. Boraski, with the board members' consent, read the motion to approve the amended site plan application without variances and waivers and with certain conditions. Regarding the fire officer letter, it says an applicant meets the intent of code, but I do not know whether he is strictly stating that you comply with all NJAC chapter 5 IFC regulations. I do not want to leave any open-ended items after you pursue this approval. Also, I do not want to write on resolution that applicant is complying to the engineer's letter and sign the plans. If we get any additional fire official requirements, then I will put your (applicant) name on resolution to contact you on behalf of board.

There were discussions on truck turnaround, parking spaces, nine parking spaces on northern side, easement area, professional testimony between the board members and applicant's team.

Mr. Bennett stated that the applicant's professional testified that he agrees with it, and we have a board attorney who protects us.

Mr. Roy stated that we need to take consideration on chief Kilmer's note as we meet the intent, but it is not a perfect solution.

Mr. Soni asked the board solicitor that in absence of Township professional's approval on plan, if something happens who will be responsible?

Board Solicitor, Mr. Boraski stated, "No" in terms of liability, if there some sort of an accident then there will not be liability on anyone associated with township and typically elected officials and professionals. The applicant is acquiring the approval from the board with conditions then board is out of it. The applicant is securing all outside permits and approval based on conditions on resolutions, and fire official approval is one of them. The applicant shall present evidence of permits and approvals from 2.26.24 letter and fire chief email.

Chairman Mr. Dugan questioned is any fire marshal's approval is required?

Maple Shade Planning Board
February 28, 2024
Draft

Mr. Roy stated: No, this is approved. If there is any liability then it is on Mr. Ingles, he designed it.

Chairman Dugan Said, Okay.

Mr. Schmidt asked to the applicant team about they stated fifteen disabled veterans and what about other forty-five residents.

Mr. Portelli stated they are age restricted to up to 60% of median income.

Board Solicitor Mr. Boraski stated and confirmed with applicant about application approval of amended site plan, no variance, no waivers subject to compliance of any outstanding and open comments and requisitions from engineer and board that were made tonight in testimony as well 02.26.24 review letter. The applicant is also working to pursue an easement, and if cannot acquire then the applicant will revise the site plan to eliminate the parking space no. 26 and limit space no. 32 to compact only, and file for approval.

A motion to grant Amended Site Plan approval was made by Mr. Bennett and seconded by Ms. Volpe.

VII. Solicitor: Resolutions: None.

VIII. Minutes:

A motion to accept the minute sought by Ms. Danson, seconded by Mr. Schmidt, All Approve.

IX. Adjourn:

A motion to adjourn the meeting sought by Mr. Schmidt, seconded by Ms. Volpe, All approve.

Respectfully submitted by:
Pradip Soni
Community Development Director