

**Maple Shade Zoning Board
February 14, 2024
Draft**

**Meeting: Zoning Board
Date: February 14, 2024**

- I. Meeting Called to Order by Chairperson at 7.01 pm.
- II. Pledge of Allegiance.
- III. Open Public Meeting Act.
- IV. Roll Call

Member	Present	Absent
Mr. John Gee	X	
Ms. Karen Radie	X	
Mr. John Zahradnick		X
Ms. Lu Valentino	X	
Ms. Miriam Bebitch	X	
Ms. Joanne Mortimer	X	
Mr. William Zerega	X	
Ms. Laura Kozierachi	X	
Mr. Jermaine Williams	X	

- V. New Business:
 - 1. **385 W. Park Ave.** – Block 1.02, Lot 25; Jamie Story; Application #ZBA-23-07
 Zone: Residence District (R-1)
 Existing Use: Residential.
 Proposed Use: Residential.
 Application: Variance approval to allow bathroom and porch in front yard area.

The applicant Jamie Story introduced the proposal in the application. She stated that the existing house comprised one bathroom, three-bedroom, kitchen and living room. She lives with a 7-year-old grandson and for her privacy she needs a bathroom attached to one of the bedrooms. She stated that she finds difficulty in securing shipments and deliveries without a front

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porch during rain and snow weather. She stated that the exterior look after construction will be like the existing.

Ms. Story presented the architectural drawing, google top view image of the properties in the area, and house picture exhibits into the meeting.

Chairman Gee asked to produce evidence of existing house closer to the street than the applicant's proposal. Ms. Story explained to the board members about her proposed porch and bathroom addition at 23 feet from the street compared to existing houses on the same block at 15 feet from the street.

Board engineer Mr. Turek asked the applicant to read the professional testimony provided.

Ms. Story presented and read the professional testimony prepared by Jeffery M. King, applicant's architect.

Chairman Gee opened the meeting to the General Public.

Mr. Kordes from 389 W. Park Ave expressed no objection to the applicant's proposal.

Chairman Gee closed the public portion and asked board members for any final questions?

Ms. Kozierachi asked about how far the front steps would be.

Ms. Story stated it will not go much beyond but within existing other houses.

A motion to approve the bulk variance was made by Ms. Valentino, seconded by Ms. Kozierachi, All Approve.

2. 301 E. Main St. – Block 55, Lot 20; Larry, Mesarick; Mesarick Limited Partnership LP.; Application # ZBA-24-01

Zone: Downtown Business (DB)

Existing use: Vacant shop/office and 2-bdrm apartment on ground floor. Two (2) 2-bdrm apartment units on second floor. Total three residential units and office space.

Proposed Use: Residential unit on ground floor with office space.

Application: d (1) use variance and site plan waiver approval.

Lawrence Mesarick was sworn in by the Board Solicitor Mr. Kingsbury.

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The applicant's attorney Matthew Zable presented the application.

Mr. Mesarick stated he lived with his mom and dad at the rear on the first floor, upstairs maternal grandmother was living. His mother started a beauty shop in 1949 and closed in 1970.

Mr. Zable stated the Camera Shop was lastly run by a gentleman (unknown) for online business with no employee. It was not open to the public.

Mr. Mesarick and Mr. Zable combined referred and walked through first floor plan exhibit and stated one fifth of the entire first floor is business use for the same square feet as before, and all others are residential.

Mr. Zable presented the parking situation on and off the track through google pictures.

Mr. Mesarick stated that about five to six years back the county yellowed all curbs at intersections on Main Street. He approached Township Manager Mr. Andl and found parking in front of Mesonic Lough is available for public. It is more helpful for prospective buyers to use the building for mixed use.

Mr. Gee asked, how many parking for this building.

Mr. Zable identified two spaces inside the garage, two spaces in front of the garage and four spaces on the street. Garage is not for personal storage.

Mr. Turek asked the applicant's attorney to run through review letter and provide burden of proof and positive and negative criteria.

Mr. Turek asked: Is residential use comparable in this area?

Mr. Mesarick stated there are four-unit apartment building next door, and residential property of Mr. Weist's place. There are some strip stores across the street and residence above. There are no commercial units between Fellowship Road and Chestnut Avenue. The use will not distract or change the look of the neighboring properties. The building is of mixed use and will continue to be used as residential with business on the first floor.

Regarding lighting, Mr. Mesarick stated there is street lighting at intersection, bank lighting across street, light on garage and security light from Masonic Lodge shines the building.

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Applicant confirmed that the motion sensor lighting will be installed at safe places.

Mr. Turek asked for the location of waste storage and how it will be handled and who is responsible for that.

Ans: The recycle receptacle location is between the back of the house and garage, and trash receptables at behind the garage. The new buyer will be living on the first-floor unit, and he is responsible for trash and recycling handling. There are four trash cans and two blue recycling bins for common use, and enforcement will be by the owner.

Mr. Turek informed the board that under section 171 enclosure is required for apartment buildings. If the board decides not to have it then board is granting a waiver, not to have trash enclosure.

Mr. Gee stated that if the property owner will not discontinue use of the shop area.

Mr. Gee asked board members for their questions, comments, and concerns.

Ms. Mortimer asked, is the applicant asking for triplex approval?

Mr. Gee stated no, it is an owner occupied residential and shop at first floor with two apartments up stair.

Chairman Gee opened the meeting to the General Public for those who wants to speak for or against this application.

(1) Douglas Dillon, Trustees from Masonic Lodge expressed his opposition to the variance proposed. He stated the parking in front of Mesonic Lodge is not a public parking and showed a picture of a striped area.

Mr. Gee stated there must be an ordinance stating parking for the school bus or signage at that location otherwise it is a public parking. It is not restricted by ordinance.

Mr. Dillon stated to the board that could you check if there is an existing ordinance or not?

Gee Stated that it is up to you to bring it before the board not the board bring it to you. Your testimony has to be what you know, what you prove.

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Mr. Dillon stated that he is against the variance.

(2) John Schult stated only one apartment is occupied. Mr. Gee stated the application is for downstairs residence. If they want, they can live but it is not necessary that they need to live all the time.

(3) Rita Miloshevsky, the real estate listing broker favored the application.

Mr. Gee closed the public portion.

Mr. Gee called the applicant back for questions.

Mr. Zable stated about shop tenant a single person online business, does not have visitors, nobody walks into the building for him. The other part of the first floor is a residence, never been commercial. He provided testimony for investigation through Joe Andl to open four parking spaces which used to be yellow.

Mr. Gee stated if there is no ordinance and no presentation of that then our consideration is public parking.

Mr. Gee asked board members for a last chance to ask questions, present comments, concerns, and issues. None.

Mr. Gee asked the board members to make a motion, sub stated by Mr. Kingsbury it is for use variance.

A motion to approve the use variance with conditions was made by Ms. Radie, seconded by Ms. Valentino.

The conditions were stated by Mr. Kingsbury

- Motion sensor lighting to be installed for the outside entrance of the garage.
- The owner will be responsible for the trash collection and recycling.
- Four onsite parking spaces, two on the driveway and two in the garage.

Roll Call: All Approve.

- 3. 2910 Route 73 North** – Block 172, Lots 1, 1.01, 1.02 & 1.04; Deerfield Associates; Application # ZBA-23-06.
Zone: Planned Development (PD)
Existing Use: Residential – Fox Meadow Apartment Complex.
Proposed Use: Residential.

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Application: Minor Site Plan and variance approval for minimum number of parking spaces.

Jermaine William is a resident of the Fox Meadow Apartment – Recused from the meeting.

The applicant's attorney Chuck Patron from the firm Raymond and Coleman presented the application. The application proposed for Minor Site Plan and variances related to parking spaces approval. The plan before the board is a combination of four (4) year effort between the applicant, Maple Shade Township and Burlington County with respect to trash and recycling removal and disposal from fox meadow Apartment Complex. Fox Meadow has approx. 1500 apartments; and the trash enclosures proposed will result in more aesthetic enclosures; an increased number of dumpsters for recycling, and a number of trash dumpsters will remain same. The frequency of trash pickups increased from one to three times. There is an increase of ten recycling dumpsters within the trash enclosures. The trash enclosures will hold 3 to 5 dumpsters in combination of trash and recycling dumpsters. The amount of recycling storage is exceeded for county requirements. The purpose of the application is for site plan approval to position and locate the 18-replacement enclosures at Fox Meadow. The result of the new trash enclosures is the loss of seventeen parking spaces from the existing parking spaces at Fox meadow. The testimony provided today about the loss of parking will not have an impact on the parking demand at Fox Meadow. There was an onsite field survey performed as well as a review of video of the complex from various times demonstrating that there are more than seventeen parking spaces available at any given time even at the greatest parking demand time. The applicant has installed a video camera and license plate reader at various locations at the request of the Maple Shade Twp. Police Department. Cameras and license plate readers are directly connected to the Police department.

Mr. Gee stated that before you proceed further there are some engineering concerns. I could allow you to present for the next hour and then call the engineer or listen to concerns first and address them as we go forward.

Mr. Turek, Board Engineer identified that under township sec. 178-18. A, the Site Plan is required.

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Mr. Patron stated yes.

M. Turek: Under this code sufficient information must be contained with the site plan application for the board to grant such application.

The plan I have on record is last revised in August 2023. Based on those plans, the prior engineer on November 10th letter had deemed this application as complete. Then, on December 14th, the prior engineer review letter had identified items, two pages of items. On January 24th, I took it over and I looked at the list of items. I found open issues on the engineer's review letter of December 14th.

On January 31st, after speaking with Pradip we scheduled a meeting with several representatives of Fox meadow as well as with an engineer. We went through general items and open issues; decided it is a good idea to resolve the plans before coming to the board. My understanding was we are waiting for a revised plan.

Today, around 2 to 3 O'clock applicants found they are not an agenda and agenda modified at around 4 O'clock to include the applicant on the agenda.

Mr. Fred stated to the board members that the applicant's engineer and I met at site and discussed the open issues. They realized and applicant's team advised me that it can be started with some planning in about three phases. To do the whole project let us put it in the planning stages within 18 months.

The CME's letter December 14th, identifies.

- parking deficiency of approx. six hundred spaces and further taking away seventeen spaces.
- ADA parking spaces. Federal guidelines cannot allow us to go around it.
- Signage. They do not comply.
- Ramps.
- Sign height.
- Circulation of the trash truck.
- Trash trucks with the width of the driveway make a turn properly attached to the dumpster pick up and leave at the same place.
- Need improvement at roadway frontage such as landscaping, signage should be discussed.

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- Conditions of existing improvements such as stormwater and landscaping. Two Christmas trees are around 45 years old and should be removed.
- Other miscellaneous items, construction details, turning templet of fire truck and board environmental consultant comments.

Mr. Fred stated my concern is the site's safety.

The landscape plan shall be submitted according to the landscape ordinance 178 -22.1 B (5). The applicant has requested a waiver. Based on the findings made during the site visit, I strongly recommend a landscape plan be provided. The site visit is evidence that the project is not in compliance with the original approval from 1970. With most of the barren landscape, landscape plan phases should be provided.

The second item was the plan to identify solid waste enclosure detail. It shall be a commercial quality fence.

The next item is a circulation plan. The Twp. Manager is coordinating with the county, I got involved, and talked to the county recycling. They sent us a copy of their turning template for their equipment because county is very particular about how circulation works, and for the safety of their drivers. I forwarded that information to the applicant's engineer, and everyone had it to update the plan.

The fourth item is the increase in impervious coverage. I do not know if that is the case with this.

The next is parking conditions. I drove on Madison Drive. There are fifteen cars parked in the street and on the driveway because there is limited parking in that area. We heard the testimony that they are saying that there is sufficient parking on the site. It is a site with 1,500 apartments so some areas have it and some areas do not have sufficient parking. We asked that the study they done provide us and we can say that we get and

We are waiting for the revised plan.

The other details such as the old trash area and its restoration in place of concrete slab, replacement of fence etc. are not available. If you see the plans there are locations of trash area only.

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Mr. Gee asked the solicitor about the information delivered by Mr. Fred Turek and stated that if we do not have the required information on the plan then from our point of view it is not complete.

Solicitor Chuck Patrone asked board members to allow private discussion with his client. Board members granted.

The applicant's team left the meeting room for a private discussion for approx. twelve minutes.

Solicitor Chuck Patrone thanked the Chairman for allowing private discussion.

Mr. Patrone asked permission to question Mr. Turek about what he is looking for and decide whether to continue tonight or to another meeting.

Greg Fusco, PE. Applicant's engineer stated, "I been asked by the Kamson Corporation to come on board and assist in approval of Trash Enclosure situation. I understood the solid waste trash collection and disposal and storage is a general health, wealth, and life safety issue in the state of New Jersey and in the United States. It is imperative in my professional opinion and in terms of common sense that the trash enclosures are to be taken care of as soon as possible. The existing trash and recycle containers are not sufficient and county needs to collect several times throughout the week. The details provided on the plan for the Site Plan review were typical and it is in mind that it is imperative that it is done through Site Plan approval. There are a number of other things attached with Site Plan review and I always say it goes on with some cases and maybe not."

Mr. Turek asked for some specific information on property. Fox Meadows has almost 1500 units and 2300 parking spaces. It is monumental when you are dealing with such which does not get ready in a months' time. In terms of making presentations and satisfying engineering requirements likewise landscaping. It is good to suggest to the board as it is monumental. I do not want to keep defeating myself for other aspects, but Fox meadow came before you for health, safety and welfare issue-trash and need to resolve it. We like to prepare plans as efficiently and as quickly as possible. I want to reach out to Fred and ask the question to you is to turnaround and do detail topography and design for the number of parking spaces and number of

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access ramps through the development is monumental. Okay. In proportion to having the trash enclosures constructed at least.

Mr. Turek asked question: Is ADA ramps are life safety? Ans: Absolutely, yes.

Mr. Fusco stated I hope it is possible we can generalize some of the terms as detail and marked as to be done so we can expedite.

Mr. Gee stated We are looking from you to put as much as on plan that our engineer advises.

Mr. Patron asked the board engineer if you were looking for ADA details for every ADA spot or is it possible to give you a typical detail.

Mr. Turek said it should be on the plan.

Mr. Fusco said we are not saying we are not providing ADA accessibility but asking for the level of detail to be done in a short time. To go out and do topographic survey for each location, prepare the grading plan that has to be put on plan for numerous locations is difficult.

Both engineer and solicitor Chuck agreed to put five situations on the plan rather than a hundred.

The applicant's attorney confirmed with the board to submit a revised plan and work with Fred's office, I would like the board to carry this to the March meeting with an understanding that we complete the task. If we do not complete, then we will carry further and re-notice to another month.

Mr. Kingsbury requested solicitor Chuck Patron to provide a letter for "we stalled" one word.

VI. Old Business: None.

VII. Miscellaneous:

1. Resolutions

- a. Resolution No. 2024-ZB-23-06: Resolution granting use variance and site plan waiver approval for Physical Therapy and Training Center operation to Strong Bond Health, LLC. & Dr. Julian Bond; Block 150, Lot 19.06; Application No. ZBA-23-08.

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A Motion to accept resolution sought by Ms. Radie, seconded by Ms. Valentino.

- b. Resolution No. 2024-ZB-23-07: Resolution granting use variance and site plan waiver approval to Babita Rani; Block 189, Lot 4.04; Application No. ZBA-23-09.

A Motion to accept resolution sought by Ms. Mortimer, seconded by Mr. Zerega.

2. Discussions: 2023 ZBA Annual Report review and comments.

Mr. Soni asked board members to deliver their comment on 2023 ZBA Annual Report, if any, in the next month meeting.

VIII. Minutes:

A motion to accept the minute sought by Mr. Williams, seconded by Mr. Gee, All Approve.

IX. Adjourn:

A motion to adjourn the meeting sought by Mr. Gee, seconded by Mr. Williams, All approve.

Respectfully submitted by:
Pradip Soni
Community Development Director