

Maple Shade Zoning Board
June 12, 2024
Draft

Meeting: Zoning Board

Date: June 12, 2024

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

The following new members were sworn in by Board Attorney Mr. Kingsbury.

- 1. Beth Reeves Alternate #2 (12/31/2024)
- 2. Sara Kanicki Alternate #3 (12/31/2025)

V. Roll Call

Member	Present	Absent
Mr. John Gee	X (voter)	
Ms. Karen Radie	X (voter)	
Mr. John Zahradnick		X
Ms. Lu Valentino	X (voter)	
Ms. Miriam Bebitch	X (voter)	
Ms. Joanne Mortimer	X (voter)	
Mr. William Zerega	X (voter)	
Ms. Laura Kozierachi	X (voter)	
Ms. Beth Reeves	X	
Ms. Sara Kanicki	X	

VI. New Business:

- 1. **623 Cutler Ave.** – Block 145, Lot 19; William & Diana Lynch; Application #ZBA-24-04
Zone: Residence District (RA)
Existing Use: Office & Warehouse for business from home.
Proposed Use: Continue Office & Warehouse business operation.
Application: Site Plan Waiver and bulk variance approval for expansion of previously approved commercial building.

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Upon announcement of the case by Chairman Gee, the Board attorney Mr. Kingsbury explained to the members that the proposal is for the expansion of the building for previously granted nonconforming use hence use variance is required.

Chairman Gee asked for whether the notice is being advertised for the use variance?

Mr. Soni responded that the notice is being served for rear yard setback variance, but it includes the verbiage for all variances or waivers board may find required to allow the applicant to expand the building. Use variance requirement is indirectly included in the notice.

Board attorney Mr. Kingsbury informed the members that the notice is being served with sufficient information.

The applicant William Lynch introduced the proposal in the application. He stated that his company is in the business of asbestos and mold abatement for schools, commercial and residential properties. The existing office space is small for the business owners, four (4) office employees and two (2) estimators. We have expanded the business and currently on average twenty-five employees are working at the work site. The managers visit this place every morning to pick up vehicles and cleaning material supplies. All employees report directly to the work site. The warehouse space is being used for storage of equipment and cleaning materials. No hazardous material is stored in the commercial building and all removal and remediation work is being done at the work site. All waste and hazardous trash are being stored at work sites in special dumpsters. After completion of the job, it is taken away and disposed of by a third party. No trash or hazardous material is coming to this location. He further stated the expansion of 15 feet by 60 feet office space is a benefit to the business and sufficient office space for the owner, his daughter, estimators, and office employees.

Board Engineer Mr. Turek explained to the board members that the proposed use is not permitted by ordinance in this zone district and any expansion of previously approved use requires new d(1) use variance. The applicant needs to provide information about special reasons why he needs a variance, positive and negative criteria of his proposal for the township records.

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The applicant's engineer Ken Moninghoff explained to the members that the proposed expansion in residential district is an impact to the neighborhood. The positive criteria are that the site is located next to the previous lumber yard. It was in use from 1978 to 2011. The site is a transition area between commercial and residential. The building is like a residential in character, it has dormers. The site is used for both resident and business purposes and it is a buffer between commercial and residential properties. There are no negative criteria for the use as business consistently exists from last thirteen years and no neighbors have complained so far about the business operation. The current proposal is not detrimental to neighborhood, community, or master plan.

Mr. Turek consented that the thirteen years without any complaint is in integrity with the ordinance. Further he asked the applicant to explain about buffer, landscaping, and expansion at the back of the building.

Mr. Moninghoff stated that 25 arborvitaes at the rear property line along fence will be planted for minimum 5 to 6 feet tall at planting to enhance buffer. The proposed expansion is like a shed behind an existing building and roofline is in continuation with the existing roofline to maintain architectural look. There will be no windows or doors at the rear. The ground surface behind the building is asphalt and will not be used for vehicle parking.

The operation is the same as previously approved for the use. All employees go directly to the job site, do not invite any traffic, only supervisor visits to pick up the truck. The use is in consistency with intent, spirit, and purpose. The hours of operations are 8am to 4:30pm.

The Board has acknowledged the application for Site Plan Waiver and no comment was raised. The variances for rear yard compromised with the applicant's testimony for existence of fence and landscaping. The buffer area surface is asphalt drive lane for turn around. The Board imposed a restriction for vehicle and truck parking at the back between the fence and building. The Board has accepted existing nonconformances and variances. The existing lightings are accepted by the board. The waste collection is at the work site and there are no issues with the current trash disposal at the site.

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Chairman Gee opened the meeting to the General Public for those who wants to speak for or against this application. No one appeared.

Mr. Gee closed the public portion.

Mr. Gee asked board members for any final questions, comments, concerns, or issues. None.

Ms. Kanicki stated it is always good that the business is expanding.

Ms. Mortimer questioned any hazardous material; chemicals are stored at the site or are not brought back from the work site. The applicant Mr. Lynch confirmed for none and nothing.

Mr. Gee asked the board members to make a motion, sub stated by Mr. Kingsbury that the board will deliver decision on continuation of previously granted 2011 approval, and expansion of the use.

A motion to approve the use variance was made by Ms. Mortimer, seconded by Ms. Bebitch.

Roll Call: All voters have Approved.

Mr. Kingsbury further stated that the board will vote on bulk variances, buffers, site plan waivers subject to conditions.

Mr. Gee asked the board members to make a motion; A motion to approve the variances and waivers with conditions was made by Mr. Zerega, seconded by Ms. Valentino.

Roll Call: All voters have Approved.

VII. Miscellaneous:

1. **Resolutions:** No. 2024-ZB-23-09 granting amendment to previous approved resolution No. 2024-ZB-23-07 to eliminate 'tinting' as part of service to Babita Rani on Block 189, Lot 4.04; Application #ZBA-23-09.

Mr. Kingsbury explained to the board members the reason for amendment to the resolution. The Board of Cosmetology has banned tinting eyebrows and to secure license this portion shall be removed from the resolution.

Mr. Gee asked the board members to make a motion; A motion to approve the amendment was made by Ms. Radie, seconded by Ms. Valentino.

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Roll Call: All voters present in the meeting have Approved.

VIII. Minutes:

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

IX. Adjourn:

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

Respectfully submitted by:
Pradip Soni
Community Development Director