

Maple Shade Planning Board
June 26, 2024
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Meeting: Planning Board

Date: June 26, 2024

- I. Meeting Called to Order by Chairperson at 7.00 pm.
- II. Pledge of Allegiance
- III. Open Public Meeting Act
- IV. Roll Call

Member	Present	Absent
Mr. Joseph Dugan	X	
Mr. Justin Bennett	X	
Ms. M Constantine	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	
Mr. Mattherw Reeves	X	

Chairman Dugan announced to start meeting with followings:

V. New Business:

- 1. 11 West Main St. – Block 63, Lot 8; IOXIQUI, LLC.; Application # PB-24-03.
Zone: Downtown Business (DB)
Existing Use: Vacant travel agency space.
Proposed Use: Full-service Mexican Food restaurant with seating.
Application: Site Plan Waiver and Change of Use approval.

The applicant’s attorney Ellen McDowell introduced the applicant team David Morales, Israel Morales, and property owner Anthony Antonelli; all were sworn by the board attorney.

Board Engineer Fred Turek introduced the completeness issue with the application to the board members. Applicant will provide the submission information such as updated survey, portion of site drawings where dumpster

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is proposed at the back of the tract, grass strip information, trash enclosure, landscaping, site lightings, and ADA compliance. In response the board acknowledged the submission requirements and accepted the application as deemed complete. All yeas. The applicant team agreed to provide all items addressed by the engineer.

Ms. McDowell introduced the application and Israel Morales informed to the board members that they have a restaurant business experience for more than 20 years. He was working with Pizza place in Maple Shade then in 2014 the family opened a Mexican food restaurant in Willingboro. It is still in operation. The proposed location is an opportunity for him to have business close to his residence. The proposed restaurant will be mainly take-out with 3 tables and 12 chairs. The hours of operation will be 11AM to 9 PM for Sunday to Thursday and 11AM to 10PM on Friday and Saturday. The number of employees will be six during the shift, they will park at the rear, or they will have a ride to come to work. The photographs were provided to the board members for information and record. He further stated that he is working with Mr. Antonelli for trash enclosure and dumpsters. There will be a separate container for cooking oil disposal. Mr. Antonelli stated that there is no evidence of bed odors or presence of rodents since he has been operating for the last 40 years.

Mr. Antonelli further stated there will be 3 to 4 trash dumpsters and waste cooking oil tank behind the dumpsters at the trash enclosure area; every tenant will be responsible for their trash removal once a week or so.

Mr. Turek stated gone through the engineer review report items and confirmed with the applicant for acceptance and compliance. The applicant will provide separate application for signage compliant to the code. The business will be in operation within 12 weeks and in the meantime the grease trap construction will be completed.

Mr. Turek further recommended that if the board favors the application, then the building permit can be filed subject to site drawings being submitted within 30 to 60 days. The landscaping will be completed during fall in mid-October. The other requirements of trash, lighting, landscaping, and ADA parking will be completed within 60 days or before the business opening. The little softening of the grass area and buffer the trash area will be done to improve the appearance from the Forklanding roadside. The updated survey will be provided by the applicant and will comply with the process for grease

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trap.

Mr. Boraske reiterated that the applicant is seeking for the site plan waiver but there will be a condition to provide partial site plan representing trash enclosure area, landscaping, lighting, and ADA parking with updated survey. Mr. Benette asked for the deliveries and the response was they will purchase and bring from the local market and Restaurant Depot, no deliveries.

Chairman Dugan asked board members for any questions. None raised.

Mr. Dugan opened the meeting to the General Public for those who have any input into this hearing for or against this application. No one appeared.

A motion to close the public portion was made by Mr. Schmidt, seconded by Ms. Constantine. All approve.

Mr. Dugan closed the public portion.

Mr. Boraske informed the board members about the engineer's recommendations, conditions of approval and issuance of TCO with compliance of engineer's review letter. Details will be included in the resolution.

A motion to approve the change of use and site plan waiver with conditions was made by Mr. Schmidt, seconded by Mr. Bennett.

Mr. Antonelli asked questions about the trash enclosure height and ADA parking space. The board found a 6 ft high trash enclosure and van accessible handicap parking space at the inner right corner as appropriate. A new striping will be placed in the parking area.

Roll Call: All voters have Approved.

VI. Old Business:

1. 20 East Main Street – Block 90.01, Lot 8; Yun Hui Chen; Application # PB-23-08.

Zone: Downtown Business (DB).

Existing Use: Store-front Real Estate Office and One (1) two-bedroom apartment above.

Proposed Use: Store-front retail on first floor, and three (3) two-bedroom apartments and office on second floor.

Application: Site Plan approval to grant parking and building addition.

The applicant's engineer Robert Bruce, architect Hui Hoghn, Sam Xu and

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property owner Yun Chen were present. The board accepted engineer's credentials and all were sworn by the board attorney.

Mr. Bruce stated his last presence with the board, the review of some administrative items and coordinated the project from the last conversation and appeared at this meeting.

Mr. Turek informed the board members that the application was deemed complete by CME last year and we were collaborating with the applicant to get them on board with answers to all the questions asked at the last meeting.

Mr. Turek addressed the general comments of the review letter such as lot coverage, parking, and variance requirements.

Mr. Bruce stated the municipal lot at the rear of the property is available for customers and we are able to provide three parking spaces on the lot under the proposed second floor. We have two parking spaces are for the residential and one for ADA. We need area coverage and parking variance. He explained that the looking to the ariel you will see the buildings along our frontage typically running from Main Street to the alley way at rear many of them go front to the rear meaning they cover the entire lot. So, we are not creating a new one but complying with the general development of the area.

Mr. Turek asked the applicant team to provide information on rear yard setback and trash. The waste would be stored against the building wall at rear and how it will work between office and three residences.

Mr. Bruce stated that two areas for storage are proposed: one for residential apartments and another for commercial. The trash from residence will be picked up by the Township and the trash for commercial will be handled privately by the property owner Mr. Chen through private company. He further stated that the applicant will comply with the fire officials report and comment. He also confirmed for the LED downward illuminating lights per town ordinance. The steel bollards will be decorative with sleeves on it as per current trend. Regarding parking requirements for business and office space on the second floor he stated that the use of retail space will be for building materials, and the intent of the office use is for the downstairs retail business. The office will not be open to the public, it will be used by the retail store operator.

Mr. Chen added to the testimony that there is a 2-hr car park at the front on Main Street, at the public parking lot at rear and the parking analysis provided indicates there is ample parking available for businesses and residents. The

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proposed change of use is a retail showroom that can be accessed from the front and can be accessed from the back door. Major customers will be using the front door. Applicant has confirmed his obligation towards affordable housing ordinances. Applicant has confirmed to comply with the Township signage ordinance for front and rear signages on the building.

Mr. Dugan opened the meeting to the General Public for those who have any input into this application for or against hearing.

(1) Ellen McDowell & Gary McDowell, the property owners next door at 18 East Main Street. Both were sworn by the board attorney Mr. Boraske.

She expressed her concerns for 100% lot coverage proposed, and she acknowledged that there are other buildings with 100% lot coverage on the same block. She stated that for the proposed building and the other buildings exists from years and years we should enforce zoning ordinances and seek to have compliance with the proposed. She stated that in the applicant team testimony, she does not hear anything special about the property which makes importance of need for 100% coverage. Per her thinking the purpose of third apartments is for more profitable but it does not mean that the any thing special on the property which requires use of the entire lot. She expressed her concern for air circulation for 100% lot coverage. She consented that if there were two apartments then it would not be 100% coverage and it would have necessary rear yard setback. It is a matter of maximizing the economic value of the property to the detriment of the neighborhood and the surroundings. She opinioned that it is not a good proposal for a town.

Mr. Gary addressed the windows of their property which will be blocked by the 100% building coverage. He presented a few pictures to the board members and showed fluorescent mark on one picture about their location at ground. In the event of fire, the tenants will not be able to escape in the event of fire. The proposed building is a fire trap for apartments on his building. He stated he would not be able to rent the apartments, questioned who will be there at the place where there is no air, light and safety. He expressed his situation by showing the pictures.

Mr. Dugan commented that the all the buildings are lying right next to each other in line. Said, it has been like that since I was raised. He expressed his contention as always been when you walk in on the Main Street the one building does not fit in that group, because proposed building does not have a

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second floor which they are going to build under their proposal now.

Ms. McDowell stated that then they need to put up the second floor at the front.

Mr. Dugan responded that we are not going to say how he has to do to approve it. The one thing it stands out is this building, every building is next to each other. He questioned, is this construction making anything different than it exists further down the line.

Ms. McDowell expressed her view of how the board should look for enforcement of existing zoning laws unless there is serious reasoning for development.

Me. Dugan responded that we do have.

Mr. Boraske commented that applicants are asking for variance and the board members have the opinion that there will be a visual improvement of the street and uniformity of overall construction in terms of aesthetics, which has a valid reason.

Mr. Dugan sub stated that is the point I want to make here.

Mr. Boraske informed the board members that the six photos submitted by Ms. McDowell will be kept on record as an Appendix A1 to A6.

Mr. Dugan called for no one else to have input on this application. None were present and closed the public portion.

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

The applicant's team was called at front for additional testimony.

Mr. Turek asked question to the team about what makes property so special that the board should consider granting the variances, what are the detriments and benefit to the Maple Shade Township at front and at parking lot or any other benefits you can suggests.

Mr. Boraske commented that the applicant is seeking c variances. He provided guidance to the board members that the Applicant can get C1 variance or C2 substantial benefit variance. C1 variance is a hardship wherein they can show unique or special characteristics about the property if that would justify the board would grant a variance. So, existing conditions or proposed improvements for the property and all existing factors justify

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impossible or undue burden on applicant to follow codes then the board would consider granting C1 variance. Or allow for C2 variance that the proposed application advances with goals and objectives of the municipal land use laws, promotes general welfare and making good use of the property. The positive criteria be substantial advancement of MLUL goals and objectives, Township master plan objectives, and the negative criteria is substantial detriment or negative impact to the neighborhood, or impairment to zoning code or master plan. If it favors, then the board can grant certain waivers. If the applicant provides any additional testimony to have on record, then the board can analyze the testimony and can arrive at a conclusion. Mr. Bruce stated that the proposed improvement will enhance the visual environment. It is in consistent with other buildings in the area and offers maximum economic development and the township will benefit from that as well.

Mr. Dugan pointed out that it is a major improving situation and would benefit the front at Main Street and rear alley way.

Mr. Sam Xu explained about safety, egress and ingress from front and rear, as well on the drawings. The entire building will have sprinklers, five feet wide stairs to go upstairs and one can leave the building to both front and rear streets. There is a five feet wide open-air area at the side of adjoining property from the rear alley way to the middle of the building to go upstairs. The front of the building will have a brick façade. Further he stated that the proposed construction is double lot 40 feet wide. The existing building on the same block are on 20 feet wide lot and have two apartments on the second floor, whereas the proposed building is 40 feet wide and instead four apartments they have proposed three apartments, one less than the neighboring properties.

Ms. McDowell stated to the board that the applicant is for his maximum economic benefit of his property and that is not a valid reason under land use law to grant variance.

Mr. Bennett, by acknowledging proposal of three apartments instead of four apartments explained that the applicant points to the benefit of the town for increase in the property tax with new assessment on proposed improvement, not his financial benefit.

Mr. Boraske corrected that it is not a one of criteria for land use law.

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Ms. Constantine asked question to the applicant for upstairs three apartments would you consider two apartments?

Mr. Turek added about the possibility of a smaller office.

Mr. Chen refused changes to the proposal.

Board member Deniel McDonald supported the applicant's proposal for improvement in the look and aesthetic of the area to make it consistent with other buildings.

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

Mr. Boraske stated that the board will vote on preliminary and final site plan approval with items identified for waivers and exceptions on site plan ordinances, checklist items, engineers, and professional review letters. There are several nonconforming conditions on the property, two bulk variances for building coverage and rear yard setback, as well parking variance is required.

A motion to approve was made by Mr. Bennett, seconded by Mr. Schmidt.

Roll Call: All Approve.

VII. Solicitor: Resolutions:

1. Resolution No. 2024-PB-06; Resolution granting Minor Site Plan and bulk variance approval to install electric charging posts and equipment to Charge Smart EV, LLC.; Block 189.01, Lot 1.01; Application No. PB-24-02.

A motion to approve was made by Mr. Schmidt, seconded by Ms. Constantine.

VIII. Discussion: None.

IX. Minutes: April 24th, 2024.

A motion to accept the minutes sought by Mr. Schmidt, seconded by Ms. Constantine, All Approve.

X. Adjourn:

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

Respectfully submitted by:

Pradip Soni

Community Development Director