

Maple Shade Zoning Board
September 11, 2024
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Meeting: Zoning Board

Date: September 11, 2024

- I. Meeting Called to Order by Chairperson at 7.02 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	
Ms. Beth Reeves	X	
Ms. Sara Kanicki	X	

V. New Business:

Chairman Gee announced to start with second application on agenda for Stonecor group Inc.

- 1. 1000 East Park Ave. – Block 77, Lots 2 & 6; Stonecor Group Inc.;
Application # ZBA-24-06.
Zone: Business Development (BD).
Existing Use: Corporate headquarters office and Manufacturing facility.
Proposed Use: New 7,700 square feet building addition to existing facility and modification of existing landscape buffer.
Application: d(1) Use, and Preliminary & Final Major Site Plan approval with variances and waivers.

Applicant’s attorney Alan Fox appeared in the meeting to request board members for extension. Notice was served for 09.11.2024 date in the

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newspaper and 200 feet radius property owners. The board has accepted the request to continue application with the next hearing date.

A motion to accept the request for continuance was made by Ms. Valentino, seconded by Ms. Mortimer.

Mr. Fox requested to make an announcement for public in the meeting that the application will be heard with the next month meeting.

Mr. Gee made the announcement, and no one from the public were present.

2. 550 Laurelton Ave. – Block 28, Lot 1; Jennifer Zimmermann; Application #ZBA-24-04
Zone: Residence District (R-1)
Existing Use: Two-family dwelling.
Proposed Use: Two-family dwelling.
Application: Conditional Use approval pursuant to section 205-74; or variance approval from section 205-16 to permit property to be used as duplex.

Applicant's attorney Ellen McDowell introduced the applicant, Jennifer Zimmermann. She was sworn in by board attorney Mr. Kingsbury.

Ms. McDowell presented the application and stated she is amending the application. The first request is for pre-existing duplex approval. The property was duplex for last 48 years before the zoning code was in place, and if it does not pass then we would proceed for variance approval. We are not going for conditional use approval because of board engineer Mr. Turek's review opinion and the details of conditional use.

Mr. Gee questioned the applicant's team if they had anyone to testify regarding pre-existing use.

Ms. McDowell called local ex-resident Joan Wiest, and she had been sworn in by board solicitor Mr. Kingsbury.

Ms. McDowell asked few questions to Ms. Wiest. She stated that herself and her husband had purchased this property in 1966-67 as a one-family rancher home and thereafter decided to convert the property into a two-family home for elderly parents living with them. She acquired the permit from the township back in 1974 but cleared out the paperwork a few years back. She informed the board that she was working in the township tax assessor's office, and she understood the importance of property card records but at this time she did

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not have any approval papers. She further stated that she rented the property as a duplex in 1992 before the sale.

Ms. McDowell informed the board members that Ms. Zimmermann's husband and his brother had purchased the property in 1998 as a duplex. Later Mr. Zimmermann's brother transferred his interest to her husband in the year 2000 and Mr. Zimmermann added wife Jennifer Zimmermann on deed in 2021 thereafter he passed away last year in 2023.

Mr. Gee questioned whether the agreement of sale designate the property as duplex while purchased by two brothers.

Ms. Zimmermann said she could not find that agreement.

Mr. Turek suggested that the documents can be approved without doubt being seen. If applicant wishes she can go for next option for use variance approval.

Mr. Gee asked Ms. McDowell whether to go for option one as pre-existing duplex or would like to go for second option to gain use variance.

Ms. McDowell stated to the board that documents are not required; the evidence can be testimonial, and evidence works in the court system. We have a more creditable witness Joan Wiest here in the meeting to prove approval on duplex was gained 49 years ago. The Township should have a record for that approval and if not, then current testimony is sufficient to establish that it is a pre-existing duplex before the zoning code is adopted.

Mr. Gee informed Ms. McDowell that the burden of proof is on the applicant. You can proceed to choose any one option.

Ms. McDowell requested the board to vote on Pre-existing duplex approval and if not then we will move on to use variance approval.

Mr. Kingsbury informed the board that when the applicant claims it is a pre-existing duplex then you can vote without getting into believing it is pre-existing non-conforming use. That vote will decide whether applicant needs to go for alternate option of use variance or not.

Ms. McDowell stated the property is assessed as a duplex having separate water and sewer bills.

Ms. McDowell further stated the land use chapter 22 in Maple Shade Township was adopted on January 5th, 1977. Joan Wiest's testimony for duplex is in 1974-75 so it is a pre-existing. Further section 205-71 states any lawful use of the building or land existing at the time of effective date of this chapter means

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January 5th, 1977, may be continued although such use does not conform to the provision of this chapter.

Ms. Zimmermann stated that the property was inspected by a rental registration inspector and has possession of a certificate.

Chairman Gee opened the meeting to the General Public who would like to speak for or against this application for predate zoning for duplex. None present.

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

Ms. Valentino asked a question about property occupancy.

Ms. Zimmermann stated the upstairs unit is vacant due to this approval issue and the person downstairs living wants to buy this house.

There was a talk, dialogues and statements from Ms. Mortimer and others about old records. Mr. Gee thanked her for insights.

Mr. Gee announced to the board that either you can make a motion to approve facts that it is a predate zoning duplex property, or you do not.

Ms. Mortimer made a statement that during her business start 22 years ago she was able to visit the zoning office, and the zoning officer would record what we are looking at here. Somewhere over the years I do not what happened to those records. I used to contact Roy Flarry and right in her office she would go through all the bins and boxes, and she pulled it out from all kinds of papers in there. Such records exist somewhere.

A motion to approve Pre-date non-conforming use of the building for duplex was made by Mr. Zahradnick, seconded by Ms. Kozierachi. All Approve.

VI. Old Business: None.

There were conversations and talk among board members and board professionals about past records, guidance documents requirements and plan to create strategy to view such applications with the guidance of board professionals.

VII. Miscellaneous:

1. Minutes: June 12th, 2024

A motion to accept the minutes was made by Mr. Gee, seconded by Ms. Reeves.

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- VIII. Adjourn: A motion to adjourn the meeting was made by Ms. Valentino, seconded by Ms. Kozierachi.