

Maple Shade Zoning Board
October 09, 2024
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Meeting: Zoning Board
Date: October 09, 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 made two (2) announcements in the beginning. The Cannabis application for Alexander Avenue and Route 38 place (447 Route 38) is not on the agenda and will be heard with the November meeting. The applicant will serve notice again to the property owners within 200 feet radius for exact meeting date. The next announcement was for 300 South Lenola Road application from Emily Kimble for Dance Studio. The notice was not served 10 days prior to the meeting date hence application hearing moved to the next month meeting.

A motion to postpone the hearing was made by Ms. Radie, seconded by Ms. Valentino. All presents have approved.

Chairman Gee further announced that there are some use variance applications on the agenda and the applicant is entitled to have seven (7) members on the board whereas six (6) members are present in this meeting.

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If the applicant does not want to take a chance to win five votes from six (6) member present instead of seven (7) then you may choose to come to next month's meeting. Please let us know when your turn comes. No one has asked for and meeting took place per agenda items.

1. 410 Mertin Ave. – Block 137, Lot 1.09; Greg & Renee Buck; Application # ZBA-24-07.
Zone: Residence District (RA).
Existing Use: Single-family Residence.
Proposed Use: Single-family Residence.
Application: Variance approval to construct front porch in front yard setback area.

The applicant Greg Buck presented the application after he was sworn in by the board solicitor Mr. Kingsbury. He presented plan drawings with house pictures and showed additional pictures of other houses in the area to represent how the porch will look like after construction. The porch will be an open porch without walls. The straight front taper roof or A roof will be place on the porch. Mr. Buck read the attachment sheet filed with the application for testimony and presented pictures as an exhibit for township records in his testimony.

Chairman Gee asked the board members if they have any questions.

Board engineer Mr. Turek asked an applicant to show neighborhood housing situations if any similar porch existing or house extends in the front yard setback area.

Mr. Buck stated that a similar porch in the front yard setback area exists on the next block.

Mr. Turek explained to the board members that the bulk variance sought for the proposed porch will sit at 31.8 feet distance against requirements of 35 feet from the front property line.

After understanding the engineer's comments and report items the members did not ask any questions.

Chairman Gee opens the meeting for public to voice in favor or against the application.

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Scott Milloy from the public sworn by board attorney. He expressed his thoughts that the front porch in the neighborhood is a fantastic idea.

Mr. Turek stated to the board members that it was discussed in the site plan meeting that the applicant will not enclose the porch, which should be a condition of approval.

Mr. Buck agreed with the board engineer's suggestion, no screen or wall covering will be done.

Mr. Gee closed the public portion and asked board members to make a motion.

A motion to approve the front yard setback variance with condition was made by Ms. Valentino and seconded by Mr. Zahradnick. All present members have approved.

2. 30 Spruce Ave. – Block 91, Lot 8; William Kinsey; Application #ZBA-24-09

Zone: Residence District (R-2)

Existing Use: Single-family residence.

Proposed Use: Duplex.

Application: Certification for pre-existing non-conforming duplex.

Applicant's attorney Ellen McDowell introduced the applicant William Kinsey, and realtor Chuck Thomas. The applicant, Mr. Kinsey, attended the meeting on Zoom video call. Both Mr. Kinsey and Mr. Thomas were sworn in by board solicitor Mr. Kingsbury.

Ms. McDowell presented the application and asked questions to the applicant on zoom video call.

Mr. Kinsey stated the property was purchased in 1993 as a duplex. It was a carriage house next to the farmhouse built as duplex for stable master and his wife and two hired hands. It has always been used as duplex and there were tenants when I lived downstairs.

Ms. McDowell stated that this property is in R-2 zone when purchased in 1993 and it was a legal duplex. It was legal till 2006 and then township ordinance changed as the duplex is no longer permitted in R-2 zone. It is a law that when ordinance changes the pre-existing legal use remain legal. We are asking for the resolution from the board for property record as duplex use for this

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property is a legal use. Mr. Kinsey is in the process of selling the property and the new owner will have the comfort to use property as duplex.

Mr. Gee stated and asked the board solicitor for record purposes that the board is in the process of implementing guidelines for such non-conforming use and structures. Once the guidelines are in place the applicant will have to come before the board for approval or it is an administrative approval per zoning officer's determination using guidelines.

Mr. Kingsbury stated that the applicant needs to come before the board for two reasons. One they need written resolution from the board for legal use and it can be passed over to the next owner, and second, they need to prove to the board that they do qualify under the guidelines.

Chairman Gee asked board members if they have questions, comments, concerns, and issues. None.

Chairman Gee opened the meeting for public for their concerns in favor or against the application. None present. The public portion closed, and board members been asked to make a motion.

A motion to approve the pre-existing non-conforming duplex was made by Mr. Zahradnick and seconded by Mr. Zerega. All present members have approved.

3. 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 modifications in existing landscape buffer.

Application: d (1) use, and Preliminary and Final Site Plan approval with variances and waivers.

Applicant's attorney Alan Fox presented the application. Before he starts further Chairman Gee informed him about six members presence in the meeting instead of requirements of seven members for use variance approval.

Mr. Fox confirmed and consented as a member of the team and allowed the board to proceed with six (6) members for use variance application of 1000 East Park Avenue property expansion, Block 77, Lot 2 & 6 in application of Stonecor Group Inc.

He introduced team professional Scott Hulteen – Metropolitan Acoustics; Lisa Wright – Gardner Fox Architect; Mark Remsa – Professional Planner &

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Landscape Architect; D. Travis North – Bohler Engineering and Jeff Beam – VP Operations, Stonecor Group; all sworn in by board solicitor Mr. Kingsbury. The qualifications of all professionals were accepted by board members during their professional testimony.

Mr. Turek informed the board about application checklist waiver items and the board has granted the waivers for hearing and application deemed complete with certain conditions to file waiver submissions before final compliance. The applicant agreed to it.

A motion to grant waivers per board engineer's recommendation made by Mr. Zerega and seconded by Ms. Valentino. All approve.

Ms. Mortimer questioned the applicant about previous fire, hazardous conditions, material spillage incidences on the ground and other things. Mr. Beam stated the incident was fully contained and no hazardous conditions happened.

Jeff Beam Vice President-operations of Stonecor stated about business activities at this place. The current plan is an extension of the manufacturing floor area for better material flow, employee safety and add equipment. They manufacture the products in Maple Shade facility with very minimum three or four days of raw material storage. All raw material storage and finish product storage is at Cherry Hill facility and material transfer is through Rough 73 in small box truck. The major materials are resins, fillers, sands, pigments, epoxy, and polyurethane. The frequency of material shift between two facilities is three times a shift.

He further stated they work five days a week in two-shifts and occasionally Saturday morning. The first shift starts at 6:30 AM and the second shift ends at 11:00 PM, Saturday ends at noon. No new employee hiring plan. They Proposed 112 parking spaces but in most cases seventy-eight parking are filled. Some employee parks their cars on Pine Avenue Street closer to their office. There are no complaints from neighbors about street parking. Sidewalk are not proposed reason no foot traffic in the industrial area on Loop Road.

Mr. Beam showed Appendix-1 for proposed building expansion, parking spaces, landscaping. The existing irrigation system in grass area will be extended up to the new planned landscaping.

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Ms. Valentino asked the question about any flammable material storage plan in the new 7,700 sq. ft area addition. They stated expansion is to create more equipment and floor space area for employee to operate and move safely. Some storage of material will be there in the new area. They do not operate with a lot of flammable material but few small 5-gallon drums in a special room.

Mr. Gee mentioned about fire incident referred by Joanne Mortimer. Jeff Beam explained that it was a chemist's mistake. The raw material specification was changed, and it was not known to us. It caused homo polymerization by itself without catalyst, it heated up in the vessel and fire happened. We have changed supplier and now all the materials undergo full testing, so it will not happen again. All inflammable materials are stored in a separate room, intrinsically safe with all fixtures in the room. It has a blow-out door on the front and an anti-static floor system that will not generate any spark. All containers are grounded, and area has a fire suppression too. The past incident was not an OSHA violation incident.

Lisa Wright, the architect, has presented elevations of the proposed addition. She explained architectural features of the proposed expansion such as block wall with metal panel, exterior coloring, translucent windows, louvers for HVAC air flow, screening to hide HVAC unit and sound reduction. Two heat units with exhaust fans were shown in the drawings. No questions from the board members about the architect's presentation.

D. Travis North, Landscape architect, presented landscape plan to the board members. He showed existing and proposed trees, buffers area, new plants species detail and berm increase size. The initial buffer screening will be light but over time in five years it will be a greater screening than what exists today. Landscaping will be larger in sizes and a greater number of species with certain types and variety to increase size of planting for more aesthetics per engineer's review report recommendations. The initial height of evergreen trees will be six to eight high.

Against Mr. Soni's question for height comparison between landscape plants and wall they stated block wall height will be twelve feet. There will be a new twelve feet high sound wall leaving the existing sound wall intact to create additional buffer. Park Avenue Street is six feet higher than the foot of the

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proposed building grade and then six to eight feet landscape plant will be close to the wall height from the perspectives of the neighbors.

Mr. North further showed parking, stormwater, and tree replacement plan in the existing parking. He stated there is no significant change in the stormwater, but the current plan will reduce the impact to stormwater facility in elimination of parking lot will deliver stormwater directly from roof into the system. Proposed lighting will be fully shielded, without glare and will not be a nuisance to neighboring properties.

Chairman Gee asked board member if they have any questions for lighting and landscaping.

Mr. Gee asked the applicant if they have any third-party inspection plan for landscape buffer maintenance. In response Mr. Turek explained that under two years maintenance guarantee period the township or board engineer inspect the site. It is an applicant's obligation to maintain per approved plan.

Mr. Scott Hulteen, sound and vibration study consultant presented Exterior Sound Study for Stonecor proposal. He explained the study report information about ambient condition study and secondary inside facility study. He explained different models and projections of sound level to closest properties. His prediction states that the decibel level of sound generation with proposed equipment will be less than the ambient sound level. The acoustic model of the new equipment and façade shows that the sound level at every individual location will be below the NJ state ordinance decibel level during night and daytime requirements. Due to the proximity of louder Route 73 highway the existing condition sound level is also below state ordinance.

They stated to Mr. Kingsbury that due to Route 73 highway location the daytime and nighttime ambient level are the same.

Mark A. Remsa, the Professional Planner and landscape architect presented planners testimony for the site suitability, surrounding use, desirable environment through landscape buffer, clean water runoff, noise level, design exceptions, and positive and negative criteria of the proposed expansion.

Per his testimony, the positive criteria (1) Site suitable with similar surrounding industrial manufacturing facility. (2) preventing urban sprawl by putting addition on existing parking lot without using new green land. (3) Building

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addition on the parking lot is a pervious surface swap, more efficient use of the land. (4) Promotes general health, safety and welfare and it will eliminate nighttime noise, light, and glare. (4) The aged pine trees lose lower branches, but proposed landscaping will enhance and improve buffer, lower screen, light, and air. (5) two sound walls encapsulate the business activities. (6) stormwater runoff quality improvement by elimination parking surface.

He explained that this is a unique situation where the property is situated within three streets. The proposed addition does not expand towards any street, but the applicant is proposing expansion within the same buildout footprint, with adequate light, and open space.

For the negative criteria he stated (1) The proposal towards East Park Avenue is some detriment but not a substantial detriment reason it eliminates second shift disturbances in the parking lot, it will make East Park Avenue side quieter and new enhanced buffer will improve aesthetics. No negative impact towards the south and west for existing industrial presence. Further stated the landscape enhancement towards Pine Ave will improve the area for two residences.

He concluded by stating the use can be granted because proposal serves the most purpose and intent of land use law, site is suitable with the existing surrounding industrial buildings, and no substantial impairment to the intent and purpose of the zoning ordinances.

Chairman Gee asked if board members have any questions or concerns.

Ms. Valentino asked about any odor emission from the product. Mr. Beam replied, yes, but it goes out of the building through roof and no complaint from the neighbors so far.

Mr. Zahradnick asked about the sound wall, and they responded it is for sound buffers.

Mr. Turek read out the review report and explained to the board members all listed items from one to twenty-three for waivers, existing nonconformances and acceptance of requirements.

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

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Scott Milloy, resident of 501 East Park Ave living since 1996 informed the board members that the existing parking lot was a compromise to expand the original building. The distance from the creek is less than five hundred feet and environmental assessment is required. The employee and contractors are all time parking vehicles on Pine Avenue. The material transfer from this facility to cherry hill they route through Route 73 but their truck goes on all the streets and road named Main Street, Stiles Ave, and Railroad track. They park the truck in front of Mr. Milloy's house. While getting approval they say yes to all conditions, but they do not follow the approval. They have not done what they said.

The past fire incident was a significant fire back in ninety. Another fire on the street afterwards was due to the contractor's fault. Our children were at home, and we could not reach home.

The exhaust fan sounds all time day and night. He pointed out that the new expansion will increase material storage for more than three days requirements. The hours of operation, number of shifts, and employee count will increase with the building expansion. All will change overtime with expansion. The existing parking lot was a buffer to create distance between houses and Stonecor building. This group promise a lot but do not do anything afterwards. The existing fans and rooftop air conditioning unit sounds loud and with building the new closer to his house will sound even more. The twelve feet high buffer wall is not enough because his house is two-story, and he hear sound while sleeping in second floor window day and night.

Chairman Gee informed Mr. Milloy that this board is not an enforcement board but if board approve then there will be conditions of approval to compromise issues between commercial and residences. The enforcement shall be handled by the third party. We can set it up approval with conditions to be enforced by other enforcement agency. Mr. Milloy stated that it does not work with them based on history from the last many years.

There were discussions about property history, previous residences on the lot and past approvals and thanked board members for listening to him.

Against Mr. Milloy's concerns and comments, the applicant's attorney stated that Stonecor has been in business for the last 50 years. They planned to mitigate sound from existing parking lot and benefit residences with building

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addition. The rooftop fans were replaced with less sound generating 45 to 50 DB.

Ms. Valentino asked a question about exhaust fan running timings. Mr. Beam stated fans are running 24 hours day and night.

Chairman Gee asked about any sound reflections that can be used against the previous sound condition. Also Mr. Zahradnick and Mr. Zerega commented that you cannot have the same sound at night as during the day because Route 73 is quiet at night. The members in the meeting must know there will be less noise at night. In the testimony Ms. Hulteen confirmed that study measurement indicates Route 73 is quiet at nighttime.

There was a discussion on exhaust fan noise at several distances and a lawn mower sound, comparison between present and future sound analysis, post construction sound studies, exhaust fans analysis, unit on-off timings, and value engineering to improve with quality fans. Mr. Turek stated some conditions of approval to the applicant. He suggested providing specific numbers for sound decibel reduction with sound barrier. Mr. Hulteen stated it is an extremely complicated analysis. The target is a noise ordinance quantified by state, and we are showing ten decibels below the target ordinance, but it would not be measurable only model can predict that.

Chairman Gee commented that we are not at workshop session, we are at decision meeting; how would we say to Mr. Milloy that with something in size that we addressed his concern. We discussed post construction analysis and modeling that will show decibel number will be down to 35 and 37, that is reasonable.

Mr. Zerega stated that it is on the assumptions that the new purchase fans will have forty-five decibels and no higher. The screen will reduce a further ten decibels to thirty-five and you cannot put fan specification with higher than forty-five decibels.

Mr. Hulteen stated that the fans specification on the rooftop five feet away are sixty-six and with distance you get less at house 75 feet distance. We need to put fan specification which is seventy-six in this case and lawn mower is ninety. The intent is to predict thirty-five decibels at second floor window.

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Mr. Hulteen stated that he will not be able to measure that faint sound level at the site. It is all model base prediction for lower than an ambient sound conditions. We would show the prediction at the property line. You want the prediction at the second-floor window and for that we would factor all environments conditions and at the end you care for how loud sound at the edge of an affected residential property. Our model report will predict the sound level at the property line and at the first and second floor window.

Chairman Gee asked for any future intent for third shift. Mr. Beam said no.

Mr. Gee further clarified that if you want to start a third shift then you need to gain approval from the board.

Chairman Gee further call Mr. Milloy for his comments on discussions.

Mr. Milloy stated his concern for industrial presence, parking, noise, business model, third shift presence and not agreeing with what applicant commits.

Chairman Gee called solicitor Alan Fox for final comment.

Mr. Fox requested the board to vote for the application with reasonable conditions for mitigating sound, aesthetics, to build building on parking lot.

Chairman Gee asked board members for their comments. None.

The board solicitor Mr. Kingsbury announced to the board members that the first vote would be for use variance to allow new warehouse manufacturing building. The second vote would be for Site Plan whether to approve or not. Five yes votes are required for the first use variance and second wins on majority.

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

Roll Call:

Four (4) in favor. Ms. Valentino, Mr. Zahradnick, Ms. Radie and Mr. Gee.

Two (2) against. Ms. Mortimer, Mr. Zerega.

Mr. Kingsbury announced that the use variance is not granted, and Site plan is moot.

*****Five-minute Break *****

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4. 2817-2819 Route 73 South – Block 191, Lot 1; Emrit 73 Realty LLC.;
Application # ZBA-24-05
Zone: Business Development (BD).
Existing Use: Vacant retail paint store.
Proposed Use: Self-storage building.
Application: d (1) Use, and Preliminary and Final Site Plan approval.

Applicant's attorney Larry Calli presented the application. He presented a brief about existing site conditions, proposed self-storage buildings and plan features. He also requested board members to accept the three waivers listed in engineer review report and board engineer Fred Turek recommended for the same. All present board members have accepted the request.

The applicant's engineer Michael Marinelli from Menlo Engineering and James Miller, professional Planner were sworn by board solicitor Mr. Kingsbury, and board accepted their qualifications.

Mr. Marinelli presented the existing conditions plan as exhibit A-1. He showed existing property location on the plan, neighboring properties, access from Route 73 and side street, zone district, pavement information and parking situation. Further he presented exhibit A-2, the site plan. He explained the proposed three-story forty feet high self-storage building and one-story detached building on the plan, internal storage structure, office area, fence, gates, parking, circulation, loading area, pavement stripes, timer control and key card entry to access the self-storage. He explained the internal floor plan, man doors and overhead loading door location and gates. He also explained about internal and exterior security, lighting, and cameras. No hazardous storage of materials will be allowed in the storage unit. There will be a sprinkler system in the storage place. No work, manufacturing or office will be allowed in the storage building.

Existing pylon sign will be replaced per sign code ordinances. Dumpster is not proposed to avoid illegal dumping. Parking, handicap parking and access to the office from parking spaces was explained. Mr. Marinelli also explained about landscaping, buffer area, number of trees, lighting, stormwater management, vehicular surface reduction and removal of impervious coverage variance in the proposal. Site access and vehicular turnaround within the site was also explained to the board members.

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Mr. Marinelli also presented exhibit A-3 color rendering of the proposed building. He explained about eighteen feet high brick and the remaining twenty-two feet stucco façade of the building.

There will be two part-time and two full-time employees. The hours of operation will be 9 am to 10 pm. The key card entry for tenants will be from 7 am to 10 pm.

Based on the study he stated that the number of pick hour trips will be six per hour at the property.

Mr. Marinelli answered all questions asked by the board members and identified their concern on the proposed plan and exhibits.

Mr. Turek explained to board members the contents of the review report and plan submissions.

The professional Planner, James Miller stated in his testimony that the property is situated on a highway commercial area. The positive criteria are that the application meets the purpose of land use law and site suitability for the use. The purpose of this proposal is to act appropriately with municipal land use laws and land development in a manner for public health, safety, and general welfare. The highway location is an appropriate site and provides aesthetic improvements in the building for adaptive use benefit to the public instead vacant for more than ten years.

The site is more than enough in size for the proposed use, the lot is 1.75 acres and more than the minimum one-acre lot size requirement, the proposed fourteen parking are more than sufficient requirements per code. The aesthetics presented is more than the old-fashioned self-storage with heavily landscaped site. It will be an attractive building and many multi families will use the self-storage facility.

The negative criteria are how the use will impact the surroundings against general welfare of the public. This site is surrounded by a very heavy commercial neighborhood with Lowes and motor service uses along the corridor. This is a minimal impact use with low parking demand, low trip generation, most activities within the structure. The use is consistent with the characteristic of the most commercial use corridor and will not have any adverse impact on the neighborhood which satisfies the general welfare prong

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of the negative criteria. In the advancement of the use the proposed use will not impair the intent and purpose of the zone plan, zoning ordinances and proposed use will accomplish the maximum economic advantage from the highway front in the township. The use is fully comparable and consistent with the character of the surrounding commercials. The substantial buffer between the proposed building and residential apartments at rear will serve requirements of zone plan and zone ordinances. The board should approve this application.

Chairman Gee asked board members if they have any questions.

Mr. Zahradnick asked for a security and crime statistics study. In the facility break event how the crime stats would be rated when ten units at a time breaks. It is one theft, but ten units are affected. How the crime statistics would count in the town.

Mr. Calli explained it is a multiple victim situation. The storage facility installs key-pops to get in closure to the video recording. The security system monitors cameras and motion sensors. There will be a 24-hrs overnight recording and if anyone comes in, they are watched out, first responder notified. The liability is on service providers not on town.

Chairman Gee opened the meeting to the General Public. None.

Chairman Gee closed the public portion and asked board members for any final questions? None.

A motion to approve use and site plan with variances was made by Mr. Zahradnick and seconded by Ms. Mortimer. All present approves.

VI. Old Business: None.

VII. Miscellaneous:

1. Resolution: No. 2024-ZB-24-04 granting certification for predate pre-existing non-conforming duplex to Jennifer Zimmermann on Block 28, Lot 1; Application # PB-24-04.

A motion to accept resolution sought by Mr. Zahradnick, seconded by Ms. Valentino.

2. Minutes:

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A motion to accept the minutes sought by Mr. Gee, seconded by Ms. Radie. All approve.

VIII. Adjourn:

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