

Maple Shade Zoning Board  
December 11, 2024  
Draft

Meeting: Zoning Board

Date: December 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 opened the meeting with an announcement to hear 27 Cherry Avenue application first.

1. 27 Cherry Avenue – Block 100, Lot 14, 15 & 16; Trung H. Nguyen Sr.;  
Application # ZBA-24-10.  
Zone: Residence District (R-2).  
Existing Use: Residential.  
Proposed Use: Residential.  
Application: Variance approval for existing non-conforming oversized garage.  
*Note: Ms. Mortimer stated that she decided to recuse herself and requested that her decision on the case be vacated due to conflict of interest to perform legal duties in this application.*

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Matthew Zable, attorney for the applicant, introduced Trung H. Nguyen, Sr., who was sworn in by Board Solicitor Mr. Kingsbury.

Board Engineer Mr. Turek informed the Board members that the application was deemed complete and no additional information was required.

The applicant's attorney explained the property's history, noting it was previously used for a residential home and a machine shop operation within the garage. The applicant purchased the property with the intention to remodel and resell. To achieve this, the applicant proposed reducing the size of the garage by removing one-third of the garage slab and concrete pad. The number of bathrooms will be reduced from three to one, and the existing front door in the lower right corner will be removed. As a result of these changes, the lot coverage will be reduced to 49%, which complies with the zoning limits.

The existing front porch, located within the front yard setback, will be replaced with a smaller version shifted toward the driveway, behind the front yard setback line, at a distance of 20 feet from the front property line.

Mr. Turek provided further details to the Board members regarding the proposed front porch, steps, and lot coverage, all of which comply with the Township's zoning ordinance. He also explained the variance requirements for the garage size, including side yard and rear yard setbacks. The foundation and footings of the garage will remain under the portion to be removed.

In his testimony, the applicant clarified that the area between the garage and the side and rear property lines would be covered with stone to minimize maintenance and prevent excessive vegetation growth. The garage structure will strictly be used for storage and not for residential or business purposes. The three lots will be consolidated into one, and a new lot number will be assigned by the tax assessor's office. Deed restrictions will be recorded to ensure proper use of the garage structure.

Chairman Gee then opened the meeting for questions or comments on the engineer's report. None were raised.

Mr. Turek noted that the garage structure had been built without proper building permit approval. Therefore, he recommended a condition be

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included in the resolution to ensure that approval is contingent on compliance with the fire officials' requirements and their acceptance.

Chairman Gee opened the meeting to the public. No members of the public were present.

Board Solicitor Mr. Kingsbury summarized the conditions of approval, which include the following: variance approval for the side yard, rear yard, and oversized garage accessory structure; compliance with the Township's front yard setback requirement of 20 feet; installation of a maintenance-free stone bed covering at the side and rear of the garage; adherence to fire and other agency requirements; and compliance with recorded deed restrictions and lot consolidation, as approved by the Board Engineer and himself. With that being said.

Mr. Gee asked the board members to make a motion.

A motion to approve the variances waiver was made by Mr. Zahradnick and seconded by Ms. Valentino. All present members have approved.

*Note: Ms. Mortimer resumed her presence for further actions in the board meeting.*

2. 2816 Route 73 North – Block 189.03, Lots 5 & 5.02; Kathy Hearing, PSE&G Permitting Specialist IV; Application # ZBA-24-13.  
Zone: Business Development (BD).  
Existing Use: Electrical Substation and vacant land.  
Proposed Use: Maple Shade 69 kV substation expansion.  
Application: Preliminary & Final Site Plan; Use variance and bulk variances approval.

Joseph Paparo, attorney for the applicant, introduced himself and stated about application proposals, site location, reason to appear and the reliefs sought for the approval on expansion of existing substation.

He provided explanation and justifications on board engineer's review report item no. II Submission Information for determination of an application completeness. He stated against each item in the report as:

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- 1. It is PSE&G's standard size and common with other town application. Waiver granted.
- 4. They have painted the existing easement between Mavis and PSE&G property, and they will comply to provide all easements on the plan.
- 13. It depends upon the nature of the equipment and structure, and it is difficult to provide a plan at this time. The general setbacks are provided on the plan. Waiver granted.
- 15. Seeking submission waiver reason, the facility is unmanned, and employee usually stay temporary or drive by the site so there is no requirement for designated parking. Waiver granted subject to testimony.
- 16. The Township code does say any specific parking space requirements for utility substation; hence seeking waiver. Waiver granted subject to testimony.
- 17. This is a substation site and there are no specifics for walkways, parking areas and pads. The applicant requested a waiver for completeness but agreed to provide required sidewalks as part of site plan approval per board engineer's recommendations.
- 28. They have provided with the title documents during submission to the township. Accepted.
- 29. We have requested the clerk's office for previous record and so far, they have not received any response from the township. Once received it will be provided to F Turek's office.

Board engineer F Turek explained to the board members about purpose of this submission requirements is to identify any pending approval items from the past approval and it may impact the current application. It will become a condition of approval.

- 31. It has been provided with the application filing.
- 33. The applicant will provide written approval received from NJDOT and other agencies upon receipts and agreed for information requirements as condition of approval.
- 34. The applicant is seeking a partial waiver. The phase 1 assessment for recently purchased property is provided to the township. The existing substation has been on lot 5 for more than 50 years. The report from the township environmental consultant does not require any assessment from the existing substation lot, hence seeking a waiver for that lot.

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Mr. Turek asked for any material to be removed from the existing substation site. He stated that anything they will remove will be tested and a report will be provided to Mr. Turek's office. The letter from Environmental Engineer Marc Selover dated Nov 27, 2024, was referred to by the applicant and acknowledged by the board engineer F Turek in the meeting.

Chairman Gee asked the board members if they have any questions on the submission requirements. None have raised.

Mr. Paparo further stated in his testimony about the merits of an application, BD zone district and comparison with redevelopment overlay area. He stated the current PSE&G application is not for redevelopment, but it is an expansion of an existing substation, a non-conforming use, seeking d (2) use variance relief from this board. For that reason, they are before this board, who have jurisdiction per land use law. He stated nearly 18,000 customers are receiving electric service in the area.

He appreciated the time and collaborative efforts provided by the Maple Shade Site Plan Review Advisory Board for plan preparation and feedback on approval process.

Mr. Gee commented that this is the first time we have heard about collaborative efforts of SPRAB.

Mr. Paparo introduced Joseph Graf, Project Manager for PSE&G, who was sworn in by board solicitor Mr. Kingsbury. Mr. Graf provided details regarding his qualifications and experience, which the board accepted.

In his testimony, Mr. Graf explained the current configuration of the substation, which consists of three 13kV transformer straight bus stations fed by three 69kV lines. This setup will be replaced by a new seven-breaker 69kV ring bus with the same three 69kV line feeds. The existing transformers will connect to the new ring bus station. The substation serves approximately 18,000 customers, including 7,600 residents and businesses in Maple Shade. The Federal Energy Regulatory Commission (FERC) has mandated that PSE&G address voltage drops and power outages identified in the service area, necessitating the substation upgrade.

Mr. Graf presented Exhibit A-1, a Google aerial view showing the existing substation, adjacent purchased properties, and nearby businesses such as

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Mavis Auto, Billows, Lowe's, and Route 73. He described the wooded area and easement between Mavis Auto and PSE&G property, the equipment to be demolished, and the area for new expansion. He clarified that the majority of the substation will remain unchanged.

He also presented Exhibit A-2, a site plan showing the proposed construction area in red, with the existing substation outlined in black. He discussed the expansion to the southeast, access from Route 73 and Willow Road, and the area where new equipment will be installed. He noted that the existing access from Route 73 will be shifted south, near the Billows property line, and the current paved driveway on Route 73 will be demolished and landscaped. An emergency exit will be located on Route 73.

The new construction will include a control house to house relays and electronic components. Site access will remain similar to current conditions, with PSE&G vans or pickup trucks visiting the site twice a week for maintenance. In the event of storms or high winds, additional personnel will be on-site for emergency response.

Mr. Soni inquired about the presence of more than five PSE&G trucks servicing the poles and lines. Mr. Graf confirmed that this would not continue, as it pertains to a different group within PSE&G. Once the project is completed, there will be no need for lay-down areas on the site.

Mr. Turek suggested a condition for approval to prevent material storage on the site after the project is completed. Mr. Graf agreed to this condition and had no objections to it being included in the resolution.

Mr. Graf explained that the construction would be complex and phased, lasting approximately 18 to 24 months. The active substation must remain operational during the construction process. The first phase, involving demolition and civil/electrical construction, will last seven to eight months and be particularly intense. During the testing and commissioning phase, there will be fewer personnel and no large construction activities, though additional personnel may be required. Construction will be subject to seasonal weather restrictions, and work may not proceed continuously.

Ms. Kanicki asked about the impact on surrounding businesses during construction. Mr. Graf assured that traffic will be directed to Willow Road,

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with no street parking, and access from Route 73 will be restricted. PSE&G will follow township code ordinances, and while construction noise may occur, there will be minimal impact on nearby businesses.

Ms. Bebitch raised concerns about nearby residential properties. Mr. Graf acknowledged a landscape company property on Willow Road and confirmed that PSE&G would notify the property owner before construction begins.

Ms. Valentino asked about plans for the PSE&G-owned lot on Willow Road (Lot 9.01). Mr. Graf stated that there are no plans for the lot at this time.

Mr. Zahradnick asked about the number of employees during peak construction. Mr. Graf stated that 17 to 20 employees are expected during peak phases, with about 10 employees during normal construction. Adequate parking will be available for the construction crew.

Mr. Zerega inquired about equipment deliveries via Route 73. Mr. Graf confirmed that Route 73 will not be used for equipment deliveries. If deliveries via Route 73 become necessary, PSE&G will notify the Township for traffic control.

Mr. Gee asked about the size of delivery trucks. Mr. Graf explained that typical deliveries will be made by 20-foot trucks, though larger tractor-trailers may be used for certain materials. PSE&G will schedule deliveries to minimize disruption to neighboring properties.

Regarding security and lighting, Mr. Graf stated that the substation will feature both upward-facing and downward-facing lighting. The upward-facing lights, used for switching control and emergency maintenance, will automatically turn off after 90 minutes. Downward-facing lights will illuminate the substation and will be motion-activated, with light intensity reduced to 10% when the station is unoccupied. These lights will not impact neighboring properties.

In response to Mr. Zerega's question about security cameras, Mr. Graf confirmed that 360-degree security cameras will be installed at key locations around the substation. These cameras will be linked to PSE&G's security team, and motion sensors will alert authorities in case of an incident. The substation will also be surrounded by an 8-foot-8-inch anti-climb fence for

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added security. Remote monitoring will be conducted, and there will be no 24-hour on-site personnel.

Mr. Turek inquired about how PSE&G handles fire emergencies. Mr. Graf explained that PSE&G has its own first responder team, and outside first responders cannot access PSE&G property without PSE&G personnel. Police and fire personnel are escorted by PSE&G staff, and the substation's turning radius is designed to accommodate emergency vehicles, including 30-foot tractor-trailers.

Mr. Gee asked if there were any questions regarding the substation's operation. None were raised.

Mr. Paparo then introduced William Reimer, a landscape architect, who was sworn in by board solicitor Mr. Kingsbury. Mr. Reimer provided his qualifications and experience, which were accepted by the board.

Mr. Reimer presented Exhibits A-3 to A-5, which included landscaping plans and color renderings showing how the site will look after planting. He explained the total lot area, wooded acreage, and the proposed landscaping. He detailed the location of proposed buffer plantings, including 84 trees and 162 shrubs along Route 73, as well as landscaping plans for other areas of the site. Some locations were intentionally left unplanted to maintain visibility from Route 73 to neighboring properties. The applicant is seeking a variance for a 15-foot buffer on side yards and the area near the internal drive lane.

Mr. Reimer also discussed PSE&G's vegetation management program, which actively maintains the substation's landscaping and addresses any tree or shrub issues for the next 10 years. He explained that dead or dying plants would be replaced and maintained with regular grass cutting.

The landscaping renderings (Exhibits A-4 and A-5) showed how the landscape would look after five years of growth, with trees reaching 14 feet for shade trees and 8-10 feet for evergreen trees. By the end of the project, 58% of the site will be landscaped, including existing woods, grass, and trees.

Mr. Turek inquired further about the fence height and evergreen trees between the fence and landscaping. Mr. Reimer confirmed the 8-foot-8-inch fence height and explained how the landscaping would screen the substation from view.



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Mr. Gee asked if there were any questions regarding the landscaping. No further questions were raised.

Mr. Paparo stated that the sidewalk along Route 73 will be subject to DOT approval, and existing sidewalks on Willow Road will be replaced or updated to meet township code ordinances.

Mr. Paparo then introduced Paul Ricci, a professional planner from Ricci Planning, who was sworn in by board solicitor Mr. Kingsbury. Mr. Ricci provided his qualifications and experience, which the board accepted.

Mr. Ricci began by explaining that the subject property is part of a redevelopment plan, which serves as an overlay for expanding the established uses. He stated that the application seeks approval for a d (2) variance, noting that such a variance does not require the applicant to show entitlement to the initial use. However, the negative criteria should be considered with more flexibility, as the existing use is less likely to create new negative impacts. He emphasized that the proposed improvements to the property meet the positive criteria.

Mr. Ricci further highlighted that a PSE&G substation is an inherently beneficial use, legally promoting the general welfare, and is deemed appropriate for its location within the municipality. The existing substation is in a BD zone district, and the application seeks to expand the substation within this context. Therefore, the expansion automatically satisfies the positive criteria under the law. He referenced case law involving similar applications, including wireless tower projects, where negative criteria were considered through a balancing test weighing benefits against detriments. Mr. Ricci noted that while the BD district excludes large utility uses, the redevelopment plan specifically acknowledges the appropriateness of public utility uses in the area.

In discussing the four-part balancing test, Mr. Ricci outlined the following points:

1. **Public Interest:** Nearly 18,000 customers rely on the Maple Shade substation. The facility is currently in violation of Energy Regulatory Commission standards due to incidents of voltage drops and potential power loss. The public interest in improving the facility is significant.

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2. **Negative Impact:** The negative impacts include the proposed lighting mask and utility structures.
3. **Mitigation:** The proposed mitigation measures, such as landscaping, fencing, and lighting, help diminish the negative impacts.
4. **Balancing:** The benefits of the project, including enhanced service to the community, outweigh the minimal detriments.

He also addressed the need for a height variance for the lighting mast, as indicated in the board engineer's review letter. He clarified that the township's definition pertains to building height, while the lighting mast and utility structures are accessory components necessary for the substation's operation. Mr. Ricci argued that a height variance was not required, but he requested the board's approval to allow the lighting mast at the proposed height.

Both the board engineer, Mr. Turek, and solicitor, Mr. Kingsbury, agreed with Mr. Ricci's interpretation, confirming that the height variance was not necessary. Mr. Ricci further explained that the proposed lighting mast would not have a significant negative impact on the property, especially given the six-acre size of the site. The public benefit of improved security and service outweighs any minor negative impact.

He also discussed the proposed fence, the distance from Route 73, and the location of the control room. Mr. Ricci assured the board that the proposed changes would not create any adverse impacts on the zone plan.

Ms. Mortimer inquired about safety at the facility, specifically how PSE&G personnel would respond in emergency situations without local police and fire assistance. Mr. Graf responded that PSE&G's headquarters in Moorestown is nearby, and emergency personnel can respond within five minutes.

Mr. Zahradnick asked about the noise level of the equipment. Mr. Graf explained that the primary noise sources in a substation are from cooling fans and transformers. Since the transformers are not being replaced or relocated in this project, the noise impact will be minimal. Additionally, HVAC units in the buildings are located away from the streets, and no noise complaints have been received. He added that 69kV substations are low-voltage and do not produce significant audible noise.

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Mr. Gee asked if there were any further questions regarding the planning aspects of the project. No additional questions were raised.

Chairman Gee then opened the meeting to the public. No members of the public were present.

Mr. Gee closed the public portion and asked board members for final comments and concerns. None were raised.

Mr. Gee requested Mr. Kingsbury to read the variances.

Mr. Kingsbury stated that two motions were required for the application. The first vote, to grant the use variance, required five affirmative votes out of seven members. The second vote was for the site plan and associated variances.

A motion to approve the use variance was made by Ms. Radie and seconded by Ms. Valentino. The motion was approved by all present members.

A motion to approve the Preliminary and Final Site Plan, subject to the conditions outlined in Mr. Turek's review letter—including the requested variances for building alignment, sidewalks, buffers, and landscaping—was made by Mr. Zahradnick and seconded by Mr. Zerega. The motion was approved by all present members.

VI. Old Business: None.

VII. Miscellaneous:

1. Resolutions:

- a. No. 2024-ZB-24-05 granting variance approval for front porch in front yard setback area to Greg & Renee Buck on Block 137, Lot 1.09; Application # ZBA-24-07.

A motion to accept resolution sought by Ms. Mortimer, seconded by Mr. Zahradnick. All eligible present voters have approved.

2. Discussion:

447 Route 38 – Block 141, Lot 3; High Profile Maple Shade, LLC.; Application # ZBA-24-11.

A motion to schedule this application for a January 15, 2025, meeting, sought by Ms. Valentino, seconded by Ms. Bebitch. All present members have approved.

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3. Minutes: November 13, 2024.

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

VIII. Adjourn:

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

Respectfully submitted by:  
Pradip Soni  
Community Development Director