

**TOWNSHIP OF MAPLE SHADE
ZONING BOARD OF ADJUSTMENT
RESOLUTION No. 2025-ZB-24-16
RESOLUTION GRANTING USE VARIANCE
AND SITE PLAN WAIVER FOR
WAREHOUSE AND STORAGE USE
IN AN EXISTING BUILDING ON
BLOCK 84.01 LOT 2, TAX MAP
TOWNSHIP OF MAPLE SHADE**

WHEREAS, Eastern Lift Truck Co., Inc. has made application to the Zoning Board of Adjustment of the Township of Maple Shade for a use variance and site plan waiver, to permit occupancy of an existing commercial building for purposes of general storage and warehousing on Block 84.01, Lot 2, Tax Map, Township of Maple Shade; and

WHEREAS, the matter coming on to be heard at a public meeting on March 12, 2025, pursuant to all notices required by law, and the Board having heard the testimony presented and having examined the exhibits filed, find the following facts and conclusions of law:

- A. The subject property is identified as 14 Morris Avenue in the Business Development (BD) Zone. The property is a 1.99-acre lot, which contains a 40,925 square foot warehouse building, originally constructed in the 1950's. It has an extensive history of use as a warehouse.
- B. Testimony in support of the application was provided by Dave Barton who has 27 years of employment experience with Eastern Lift Truck. He is currently the local Branch Manager. The P.I.Q. was recently purchased by Eastern Lift Truck with the intention of using it as a warehouse. The applicant also owns 10 Morris Avenue. The applicant does not propose to expand the building. The facility will be used for

storage of forklift trucks and related equipment. The previous owner stored epoxy and sealing materials. Morris Avenue is a privately owned access, the only other business being Aerotech. There are no residential properties fronting on Morris Avenue.

C. Dave Barton provided additional information regarding the operations of Eastern Lift.

The proposed warehouse has 41,000 square feet of space. Hours of operation will generally be 7 a.m. – 5 p.m. Monday through Friday. There will be a maximum of 5 employees at the site. There will be no customers or members of the public visiting the site. Truck trips in and out of the site will be 3 tractors with 40-foot trailers transporting forklifts and 2 to 3 outside haulers per day. The estimated truck traffic total is 10 trips per day. Morris Avenue dead ends just past the site, so there will be no through traffic. No structural changes to the building are proposed or necessary. The applicant proposes outside storage of propane containers which are the fuel source for the forklifts. The propane containers will be stored in secured metal cages. No other materials that could be classified as hazmat will be stored at the site.

D. Mr. Barton further testified regarding modifications to the site. There will be no mechanical services mounted on the roof. An 8-cubic yard dumpster will serve adequately for waste disposal, which is generally limited to office waste. The existing chain link fence (6 feet high) will have vinyl panels installed. No new lighting of the site is proposed, and the applicant will agree to adjust any lighting that is the source of complaints from nearby residents. There are no current plans to install security cameras, however, the applicant is encouraged to consider this possibility. The fire alarm system will be hard-wired in the building.

- E. Professional Engineering testimony on behalf of the applicant was provided by Robert Stout, P.E. He introduced Exhibit A-2 which is the site plan. He explained that Morris Avenue is actually Lot 5 which is a private easement. The site activities will generate a low level of truck traffic. No site improvements are proposed. There will be 7 dedicated parking spaces to accommodate an actual parking need of 5 spaces. There will be 1-ADA compliant parking space in front of the building with a chairlift apparatus available. Any site lighting will be adjusted in a down direction. Landscaping will be installed along the frontage parallel to Route 73. The outdoor storage of propane containers will not be visible from any residential areas. Site lighting will be controlled by the level of ambient light at the site.
- F. The application has been reviewed by the Zoning Board Engineer/Planner (Turek Consulting, LLC) by letter dated March 11, 2025. The ZBA Engineer summarized the proofs necessary to support a use variance and provided a table of non-conforming bulk deviations at the site, the majority of which are pre-existing conditions. The applicant and his Project Engineer reviewed the general comments itemized in the report of the ZBA Engineer. The applicant has either resolved the Engineer's site comments issues or will consult with the ZBA Engineer to satisfactorily resolve any such engineering requirements.
- G. Additional planning testimony in support of the application was provided by James A. Miller, P.P. He stated that since there is no new construction proposed, it is unlikely there will be an affordable housing contribution required. The warehouse use of the property has an extensive history, including its original purpose. However, due to potential "abandonment" issues, the application is proceeding as a use variance

request. This application will support a number of purposes of the MLUL, including promotion of the general welfare, and the providing of sufficient space in an appropriate location for a variety of commercial uses to meet the needs of New Jersey citizens. The project will result in the repair and resurfacing of Morris Avenue. The site is in close proximity to similar uses and inside storage of equipment is an obvious benefit. There will be no public view of the propane storage enclosure, and the requested warehouse use is identical to the historic use of the building by previous occupants. The building was constructed in the 1960's as a warehouse and is adequately buffered with no significant impact to residences or commercial uses in proximity to the site. The warehouse use will not result in a discernable change to the neighborhood. Its only impact will be an improvement of the site which is consistent and compatible with the surrounding uses. The site is inherently suitable for continued use as a warehouse due to its history and original purpose. The building is served by existing public water and sewer utilities. It should also be noted that residences which back up to Morris Avenue are at an elevation 24 feet higher than Morris Avenue.

- H. During the public portion of the hearing, the Board heard testimony from Nancy Earle, a nearby resident who was on the 200-foot notification list. She has no objection to the warehouse plan and believes the site lighting will be satisfactory.
- I. The Board is satisfied the applicant has addressed the proofs required to support a use variance. The site has historic viability as a warehouse going back multiple decades and is therefore suitable for continuation of said use. The Board finds persuasive the testimony of the applicant's Professional Planner that the warehouse use is appropriate for the site and can be continued without a substantial detriment to the

public good and without a substantial impairment to the intent and purpose of the Zone Plan and Zoning Ordinance. The concomitant bulk variances are in most cases the result of existing conditions and can be accommodated with significant negative impact to either the public good or the Zoning Plan and Ordinances. The building and its use have been in existence for some 70 years and has stood the test of time.

NOW THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the the Township of Maple Shade as follows:

1. The application is granted a use variance for continued use of the facility as a warehouse for storage of forklift trucks and closely related equipment.
2. The outdoor storage area for propane tanks shall be shown on the plan and in a location and of a size approved by the ZBA Engineer.
3. To the extent necessary, as a result of existing building location, bulk variances are granted to legitimize all yard setback dimensions.
4. The applicant is granted minor site plan approval of the plan prepared by Matthew J. Walsh, P.E., dated 2-19-2025 and identified as “Morris Avenue Warehouse – Use Variance and Minor Site Plan”, subject to modification and compliance with the conditions of the review letter (3-11-2025) of the Zoning Board Engineer.
5. This approval is conditioned upon the applicant providing sufficient escrow funds to pay professional and consulting fees incurred during the course of review and approval of the application in accordance with Section 88-10 of the Ordinance.

6. This approval is conditioned upon payment of any outstanding taxes or assessments on the property in accordance with Section 22-25 of the Ordinance.
7. The rights, duties and obligations of the applicant with respect to site plan approval are as set forth in New Jersey Statute 40:55D-46.1 (Minor Site Plan Approval).

DATE:

1. MOTION TO APPROVE USE VARIANCE

YES

NO


Radie
Valentino
Bebitch
Mortimer
Kozierachi
McDonald
Gee

2. MOTION TO APPROVE SITE PLAN WAIVER WITH VARIANCES

YES

NO

Radie
Valentino
Bebitch
Mortimer
Kozierachi
McDonald
Gee



JOHN GEE, JR.,
ZBA CHAIRMAN

 05/14/2025

PRADIP SONI, DIRECTOR OF
COMMUNITY DEVELOPMENT

