

Maple Shade Zoning Board
March 12, 2025
Meeting Minutes Draft

Meeting: Zoning Board
Date: March 12, 2025

- I. Meeting Called to Order by Chairperson at 7.01 pm.
- II. Pledge of Allegiance.
- III. Open Public Meeting Act.
- IV. Roll Call:

Member	Present	Absent
Mr. John Gee, Jr.	X	
Ms. Karen Radie	X	
Ms. Lu Valentino	X	
Ms. Miriam Bebitch	X	
Ms. Joanne Mortimer	X	
Mr. William Zerega		X
Ms. Laura Kozierachi	X	
Mr. Dan McDonald	X	
Ms. Beth Reeves	X	
Mr. Mike Stevens	X	
Mr. Frank Lazar	X	

V. New Business:

- 1. 14 Morris Ave. – Block 84.01, Lot 2; Eastern Lift Truck Co. Inc.;
Application # ZBA-24-12.
Zone: Business Development (BD).
Existing Use: Vacant warehouse.
Proposed Use: general warehouse and storage.
Application: Use variance and Minor Site Plan approval.

Note: *Mike Stevens was 3 min late at the meeting. He captured the introduction portion of 14 Morris Ave. application from the submissions.*

The applicant's attorney, Mr. Ettenson, presented photographs of the subject property, which were marked as Exhibit A-1, and referenced a drawing prepared by Bob Stout, entered into the record as Exhibit A-2. He then requested Mr. Dave Barton to provide an overview of the property's history.

Maple Shade Zoning Board
March 12, 2025
Meeting Minutes Draft

Mr. Barton explained that the property located at 14 Morris Avenue, formerly a vacant warehouse adjacent to their existing facility at 10 Morris Avenue, was recently acquired to support the company's expansion and storage needs. He noted that no exterior building expansion is planned, aside from painting, some concrete work, and fencing installation.

Previously owned by Carboline, a subsidiary of Stonehard involved in epoxies, polymers, floor sealants, and chemicals, the property sits along a private road with no residential development. The only neighboring business is Aero Coat, located directly across from 14 Morris Avenue. The applicant, Eastern Lift Truck, intends to repave the private road.

The building on the site is approximately 41,000 square feet and will be used strictly for warehouse and storage purposes. It will operate Monday through Friday from 7:00 AM to 5:00 PM, with five employees working on-site. Adequate parking is available for all staff.

Mr. Barton further noted that up to three 40-foot trailer trucks may be parked overnight or used for deliveries. Additionally, two external haulers may come and go throughout the day, resulting in an estimated average of ten vehicle trips per day. No visitors are expected at this facility, and no signage will be installed other than an address label for emergency fire services.

He confirmed that propane will be used to fuel forklifts, with tanks stored in steel cages outdoors behind the building, in accordance with fire regulations. Refueling will also occur outside within the designated caged area. An eight-yard refuse container will be placed on-site for trash disposal, including cardboard, office waste, tape, and shrink wrap.

Mr. Barton also informed the board that the existing chain-link fence along Route 73 frontage will be replaced with a vinyl privacy fence, complemented by landscaping. All lift trucks and equipment will be stored indoors, except for large aerial equipment, which will be stored outside behind the building. No batteries, electrical equipment, refuse, scrap, or attachments will be stored outside.

He added that no new exterior lighting is planned; however, the applicant is willing to adjust existing lighting if nearby residents raise concerns.

Maple Shade Zoning Board
March 12, 2025
Meeting Minutes Draft

Addressing environmental concerns, Mr. Ettenson stated that the engineer's report referenced existing environmental test pits on-site, which date back to the property's prior ownership and use. He assured the board that a summary of the environmental history will be provided.

Finally, Mr. Gee confirmed with Mr. Ettenson that the prior use of the site poses no environmental hazard to the current applicant. Mr. Ettenson affirmed that there is no known history of hazardous materials at the site.

Mr. Kingsbury raised a question regarding the proposed use of the building, noting that it was originally constructed as a warehouse. He expressed concern that the applicant is now seeking approval for either preexisting use or an expansion thereof.

In response, Mr. Miller provided background on the property, explaining to the Board that the building was constructed in 1960. Although the property is currently located in the Business Development (BD) zone, it was originally zoned as Light Industrial (LI) at the time of construction. Most buildings in the surrounding area were developed as single-story industrial buildings. Mr. Miller clarified that the previous use of the building had been abandoned, and therefore, the applicant is seeking a d(1) use variance rather than a d(2) variance for the continuation or expansion of a preexisting nonconforming use.

Ms. Mortimer raised concerns regarding the involvement of outside haulers, specifically inquiring about the type of cargo they would be transporting. She sought confirmation from the applicant that Eastern Lift Truck would exclusively use the building.

Mr. Barton assured the Board that outside haulers would only be used for transporting lift trucks and that the facility would be utilized solely by Eastern Lift Truck. He also noted that the property is fully gated, surrounded by a six-foot-high fence, and that unauthorized individuals, including children, cannot access the premises.

Ms. Lu asked whether there would be any access to the building outside of normal operating hours or if employees would be present during the night.

Mr. Barton responded that deliveries conclude by 3:00 PM and employees typically remain on site until 5:00 PM. All activities, including deliveries and

Maple Shade Zoning Board
March 12, 2025
Meeting Minutes Draft

pickups, whether by company vehicles or outside haulers, are pre-scheduled and occur during regular operating hours. He did note that occasionally, truck drivers may arrive overnight and park their vehicles on-site to pick up forklifts in the morning.

Mr. Stevenson inquired about the presence of surveillance cameras on the property. Mr. Barton stated that there are currently no cameras installed and there are no plans to install them at this time.

Mr. Gee requested the applicant to proceed with further testimony.

Mr. Ettenson introduced Mr. Bob Stout, a licensed professional engineer from PS&S. Mr. Stout was sworn in by Mr. Kingsbury. The board acknowledged and accepted Mr. Stout's qualifications as a professional engineer.

Mr. Stout began his testimony by clarifying the total vehicle activity at the site, stating that there would be approximately 10 trips daily. This includes 2 to 3 additional trucks beyond the applicant's own fleet of three trucks.

He presented Exhibit A-2, the site plan included in the application package. He identified key site features including the 41,000 square foot building, surrounding concrete areas, detention basin, stormwater inlet, front entrance, and existing cedar tree buffer along residential property lines. He also reviewed the truck circulation pattern on the site, including loading zones and K-turn movements.

Mr. Stout testified that Morris Avenue is not a public right-of-way but rather a deed parcel (Lot 6, Block 84.01), which is under the same ownership as Lot 10 (10 Morris Avenue).

He pointed out the existing chain-link fence and explained how it currently secures the site. No major site improvements are proposed. The site will include seven parking spaces, including one ADA-compliant space proposed at the front of the building, which will be accessible via ramp or lift.

Regarding lighting, Mr. Stout stated that existing LED fixtures will be adjusted to direct light downward. He affirmed that lighting levels around the building are adequate, as shown in the lighting study submitted with the application. Additionally, he noted the applicant's intent to replace the solid fence facing Route 73 with landscaping, to improve front aesthetics along the road front.

Maple Shade Zoning Board
March 12, 2025
Meeting Minutes Draft

Mr. Stout also identified the proposed location for the dumpster and trash enclosure at the rear corner of the site, supported by turning templates for trash truck access. He further showed the designated propane storage area at the northeast corner.

Outdoor storage will be limited to a fenced section at the rear of the property near the railroad tracks. This area will have solid screening of the building and will not be visible from public viewpoints.

Chairman Gee inquired about the operation of the site lighting, specifically whether it is controlled by timers or motion sensors. Mr. Barton responded that each light fixture is equipped with a photocell sensor that turns the lights on at dusk and off when daylight is detected.

Chairman Gee then invited board members to ask any additional questions. There were none.

Chairman Gee requested board engineer Fred Turek for his comments on plan and application.

Mr. Turek began by addressing several preexisting nonconforming conditions on the site that do not meet current code requirements for setbacks, buffers, loading dock location, landscaping, and waste management. He acknowledged that the applicant has proposed as many improvements as feasible and noted that the existing detention basin and adjacent railroad track were being presented as functional buffers.

Mr. Turek inquired about the type of waste generated on-site and how it would be managed. He specifically stated that a separate 96-gallon recycling container would be required for cardboard waste. Mr. Barton confirmed compliance with this requirement.

Mr. Turek then asked whether any rooftop ventilation or air conditioning units would be operating overnight and whether the facility would generate noise. Mr. Barton responded that the building includes an interior heating unit and that a residential-style air conditioning unit may be installed to serve office areas. He also confirmed that all flammable materials would be stored outdoors in compliance with fire official regulations and committed to meeting all fire safety requirements.

Maple Shade Zoning Board
March 12, 2025
Meeting Minutes Draft

Board Member Ms. Valentino asked how the on-site propane tank would be refilled and whether any testing or inspections would be performed. Mr. Barton explained that a mobile service with a tanker truck would visit the site to refill the tank. He further noted that each tank is marked with its inspection date and that any noncompliant tanks would be removed and recycled by Eastern Lift Truck.

Mr. Turek confirmed with the applicant that the proposed steel dumpsters would be placed on a concrete pad behind the chain-link fence. He also noted that while the site currently exceeds the permitted impervious coverage, the proposed changes may bring it into compliance. If not, the applicant would pursue a variance.

He outlined additional existing nonconformities, including front, side, and rear yard setbacks; driveway width; drive aisle dimensions; and the front-facing loading dock. However, Mr. Kingsbury clarified that these existing conditions do not require variances. Variances are, however, needed for the buffering and screening elements as outlined in Report Items #13, #14, and #16.

Mr. Turek stated that the applicant has agreed to mill and overlay Morris Avenue, and Mr. Stout had shown the limits of pavement on the site plan. The applicant also proposed outdoor equipment storage behind the building, which—upon approval—would exempt it from Chapter 152 of the Property Maintenance Ordinance. Mr. Stout identified the storage area on the plan and confirmed that any equipment placed within that defined space would be permitted upon approval.

Mr. Turek informed the applicant that annual stormwater basin inspections are required, and reports must be submitted to the Township to comply with NJDEP audit standards. The applicant affirmed this commitment. Mr. Turek also confirmed that new concrete work is proposed at the front of the building.

Chairman Gee acknowledged that, since the proposed dumpster enclosure is located behind a fence, a separate enclosure may not be necessary. Mr. Turek deferred the final determination regarding a variance or waiver to the Board.

Maple Shade Zoning Board
March 12, 2025
Meeting Minutes Draft

Mr. Turek concluded his review with additional remarks:

- The barbed wire fencing has been removed.
- Environmental sampling had previously been confirmed; the applicant will provide the final report.
- Site safety details be shown on the submitted plans.

Chairman Gee then invited Mr. Ettenson to proceed with the next portion of the testimony.

Mr. Ettenson introduced Mr. James Miller, a professional planner. Mr. Miller was sworn in by Mr. Kingsbury. The board acknowledged and accepted Mr. Miller's qualifications.

Mr. Miller provided a summary of the use variance requirements associated with the application, reviewing the existing building and site conditions, the surrounding land uses, and the prior use of the property. He explained that the original warehouse use had been abandoned, and the applicant is now seeking a D(1) use variance to permit warehouse use in the BD (Business Development) zone, where such use is not currently permitted. In addition, bulk variances are being requested for parking and outdoor storage of vehicles and equipment.

Mr. Miller noted that other deviations related to buffers and setbacks noncompliance are from preexisting nonconformities and do not require relief from the board.

He explained that, under case law, C variances may be subsumed within a D(1) use variance when the bulk relief is inherently tied to the proposed use.

In addressing the positive criteria, Mr. Miller testified that the proposed use advances the purposes of the Municipal Land Use Law (MLUL) and that the site is particularly well-suited for the intended use. The structure was originally designed for warehouse operations and repurpose it in a manner consistent with its historical use is both appropriate and beneficial.

The applicant is also proposing several site improvements, including upgrading site access to comply with ADA standards, Demarking and adding parking spaces to meet operational needs, Resurfacing and repaving Morris Avenue, and adding landscaping and screening throughout the site.

Maple Shade Zoning Board
March 12, 2025
Meeting Minutes Draft

Mr. Miller stated that the building and overall site layout are appropriate for the proposed warehouse use and will be enhanced through the improvements outlined in the site plan.

Furthermore, he emphasized that the location is within an industrial area, surrounded by similar and comparable uses. The proposed use serves as a logical extension of the nearby operations of Eastern Lift Truck, supporting the service and storage of forklifts and related equipment.

He underscored that equipment storage is a vital component of the use. While some storage will occur outdoors, the visual impact will be mitigated through effective screening using existing structures and fencing, ensuring that equipment remains hidden from public view.

Mr. Miller concluded that the proposed use offers a benefit to the growth of an existing business, providing for expansion at a secondary location, and contributing to the productive reuse of a long-vacant building. He affirmed that the site is suitable and satisfies the criteria for use variance approval, particularly in advancing the purposes of MLUL.

Mr. Miller addressed the negative criteria, stating that the proposed use would not result in a substantial detriment to the public welfare, nor would it impair the intent and purpose of the Township's Master Plan or zoning ordinance.

With regard to general welfare, Mr. Miller emphasized that the application involves a building that has existed since the 1960s and has historically functioned as a warehouse. The proposed use is consistent in both design and character with that historical use and remains appropriate for its location, which is surrounded by other industrial operations.

He noted that the impact on the neighborhood would be improved through site enhancements, including upgraded lighting, repaving of the roadway, new fencing, and landscaping. These improvements support the conclusion that there will be no substantial detriment to public welfare.

Mr. Miller further stated that, in evaluating the balance of the negative criteria, the proposed use aligns with the historical warehouse function, supports the reuse of an existing structure within an established industrial complex, and represents the reoccupation of a long-vacant building.

Maple Shade Zoning Board
March 12, 2025
Meeting Minutes Draft

Under the Municipal Land Use Law (MLUL), when an owner seeks to occupy and utilize an existing structure and site improvements, the granting of the requested variances is consistent with the law's intent, the existing land use patterns, and accommodates the long-standing impact of such industrial uses over several decades. When there are no significant changes proposed then the board can reconcile and otherwise include the use within the zoning district and consequently the board should approve.

Chairman Gee asked Mr. Turek if Mr. Miller has covered important planners' testimony.

Mr. Turek affirmed and briefed about D(1) variance, negative impact, compatibility, mitigating factors, improvements, site suitability, and local ordinance for use variance approval. The board found appropriate affirmation of Mr. Miller's testimony.

Chairman Gee asked board members if they have any questions. None.

Chairman Gee opened the meeting to the general public for those if anyone wants to speak in favor or against the application.

(1) Nancy Earl, Jackendoff; 54 N. Cedar Ave.

She was sworn in by the Board Attorney, Mr. Kingsbury. She expressed her support for the proposed plan, lighting, and the storage, stating that she is satisfied with the applicant's explanation regarding site lighting. She confirmed that the lighting will not cause any disturbance and that she has no objections or complaints.

Chairman Gee closed the public portion of the meeting.

Chairman Gee invited applicant's team at front for their additional explanation if they want to speak. None.

Chairman Gee asked board members if they have any additional comments, concerns, and questions. None presented.

Chairman Gee asked Mr. Kingsbury to review variances applicant sought in this meeting and state whether they are required or not.

Board solicitor Mr. Kingsbury announced applicant needs Use variance first and Site Plan variances moots if board does not grant use variance.

Maple Shade Zoning Board
March 12, 2025
Meeting Minutes Draft

Chairman Gee asked board members if they want to make a motion for use variance.

A motion to approve the use variance was made by Ms. Valentino and seconded by Ms. Kozierachi. The members – Mr. McDonald, Ms. Kozierachi, Ms. Mortimer, Ms. Bebitch, Ms. Valentino, Ms. Radie and Chairman Gee have approved.

Chairman Gee asked members to make motion regarding the Site plan items of the application. Mr. Kingsbury clarified that the applicant does not require variances for existing site conditions. However, the site plan does include variance request related to parking and outside storage. Mt. Turek added that additional variances needed for drive aisle width, buffering, screening, and outside storage of flammables materials. Mr. Kingsbury agreed with those recommendations.

A motion to approve the site plan, including the suggested variances and design waivers, was made by Ms. Valentino and seconded by Ms. Radie. The members – Mr. McDonald, Ms. Kozierachi, Ms. Mortimer, Ms. Bebitch, Ms. Valentino, Ms. Radie and Chairman Gee have approved.

VI. Old Business:

- a. 447 Route 38 West – Block 141, Lot 3; High profile Maple Shade, LLC.; Application No. ZBA-24-11.
Application: Conditional use, and Preliminary and Final Site Plan Approval for Cannabis Retail operation.

Mr. Kingsbury announced the applicant's email for application withdrawal without prejudice of and informed the board about the resolution prepared.

Mr. Gee requested the board to make a motion to adopt the resolution for High Profile Maple Shade LLC application withdrawal without prejudice.

A motion to adopt was made by Ms. Mortimer and seconded by Ms. Reeves.

VII. Miscellaneous:

- 1. Resolutions:
 - a. Resolution No. 2025-ZB-24-12 granting use variance and site plan waiver for beauty salon and residence upstairs to Holly Ann & Nikolas Carrera, on Block 126, Lot 11; Application #ZBA-24-12.

Maple Shade Zoning Board
March 12, 2025
Meeting Minutes Draft

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

- b. Resolution No. 2025-ZB-24-13 granting certification of pre-existing non-conforming use for quadruplex building to Dean Evans, on Block 38, Lot 4; Application #ZBA-24-15.

A motion to accept resolution sought by Ms. Reeves, seconded by Ms. Kozierachi. All eligible present voters have approved.

- 2. Discussions:
 - c. 2024 ZBA Annual Report adoption.

Mr. Soni addressed the ZBA report analysis to the board members and asked if the board members have any comments. None presented.

Chairman Gee asked board members for motion to adopt the report.

A motion to adopt was sought by Ma Valentino and seconded by Ms. Bebitch. All members erupted in acclamation and approved.

VIII. Minutes: February 12th, 2025.

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

Chairman Gee requested Board Engineer Mr. Turek to inform board members about Board member training event scheduled on March 29th, 2025.

Mr. Turek briefed about the topic and importance of training to all board's members for their advance information and knowledge.

Mr. Kingbury informed the board that the next meeting is currently scheduled for May 7, 2025, which deviates from the Zoning Board of Adjustment's regular meeting schedule for the second Wednesday of each month. He requested that the Board vote to approve a notice announcing the rescheduling of the May meeting to May 14, 2025.

Chairman Gee asked members to make motion for ZBA meeting date change to May 14, 2025.

A motion to move the scheduled meeting date sought by Mr. Gee, seconded by Mr. McDonald. All approve.

IX. Adjourn:

Maple Shade Zoning Board
March 12, 2025
Meeting Minutes Draft

A motion to adjourn the meeting sought by Mr. Gee, seconded by Mr. Stevens.

Respectfully submitted by:
Pradip Soni
Zoning Board Secretary