



**TOWNSHIP OF MAPLE SHADE
JOINT LAND USE BOARD
MINUTES**

February 18, 2026 – 6:30pm
200 Stiles Avenue, Maple Shade, New Jersey 08052

I. Meeting Called to Order by Land Use Board Chairwoman

II. Pledge of Allegiance

III. Open Public Meeting Act:

Public notice of this meeting, pursuant to the Open Public Meetings Act, has been given by the Township Council in the following manner:

1. Notifying the Township Clerk January 5th, 2026
2. Mailing Notice to the Courier Post, the Central Record & Burlington County Times on January 6th, 2026
3. Posting Notice on the Official Municipal Bulletin Board on January 6th, 2026

Board Agendas, Meeting Minutes, and all other Land Use Board Information and forms can be downloaded from the township website at www.mapleshade.com under the Land Use Board Page

IV. Roll Call:

- | | |
|-----------------------------------|-----------------------------------|
| 1. Miriam Bebitch, Member | 7. Lu Valentino, Chairwoman |
| 2. Renee Bruce, Vice Chairwoman | 8. Emily Wallace, Member |
| 3. Gina Capate, Member | 9. John Zaharadnick, Deputy Mayor |
| 4. Susan Danson, Township Manager | 10. Daniel McDonald, Alternate #1 |
| 5. Laura Kozierachi, Member | 11. William Zerega, Alternate #2 |
| 6. Heather Talarico, Mayor | |

Member	Present	Absent	Member	Present	Absent
Ms. Bebitch	x		Chairwoman Valentino	x	
Vice Chairwoman Bruce	x		Ms. Wallace	x	
Ms. Capate	Late – arrived at 7:31PM		Deputy Mayor Zahradnik	x	
Manager Danson	x		Mr. McDonald	x	
Ms. Kozierachi	x		Mr. Zerega	x	
Mayor Talarico	x		Mr. Jacoby	x	

Also in Attendance:

Brian Lozuke, Esq. –	Joint Land Use Solicitor
Ashton Jones, PP, AICP, CFM –	Joint Land Use Engineer
Kyle Wagner –	Director of Community Development

Prior to roll call a resident, Joanne Mortimer, 39 Lanci Road, raised a point of order alleging that proper notice for the meeting had not been given because the agenda was not posted on the Township website at least 48 hours in advance and that any actions taken could be subject to appeal. Mr. Lozuke, Board Attorney, disagreed with her legal characterization and advised that the meeting would proceed, allowing Ms. Mortimer to elaborate further during the public portion.



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Mr. Lozuke, Board Attorney, announced application JLUB-26-01, High Profile Cannabis, scheduled for this meeting had been adjourned at the applicant's request. The hearing was rescheduled to March 18, 2026, at 6:30 PM before the Joint Land Use Board. There will be no further re-notice, and this announcement serves as notice to those present.

V. New Business:

- | | |
|-----------------------------|------------------------------|
| 1. 449 Euclid Avenue | Block 22, Lot 18.1 |
| <u>Applicant:</u> | Michael & Debbie Fitzpatrick |
| <u>Application #:</u> | JLUB-26-02 |
| <u>Zone:</u> | R-1 (Residential District) |
| <u>Existing Use:</u> | Residential Lot |
| <u>Proposed Use:</u> | Addition to Existing Home |
| <u>Application:</u> | Use Variance |

Board Reconstitution:

Because of a potential use variance/kitchenette issue, the Board reconstituted itself as the Zoning Board. Mayor Talarico and Deputy Mayor Zahradnick were recused from the application.

Questions were raised by a neighbor, Andrew Simonsick, 7 Overbrook Avenue, regarding whether the Township Manager, as a non-resident, could lawfully sit as a Board Member. Mr. Lozuke, Board Attorney, indicated it was his understanding that a Class II official need not be a resident and asked that the meeting proceed, reserving the right to confirm the issue later.

Applicant Testimony:

Applicants sworn in for testimony:

Michael & Debbie Fitzpatrick, 307 S. Cedar, Maple Shade, NJ 08052

The applicants testified that they propose a one-story addition on the right side of their single-family dwelling to provide living space for their adult daughter, including:

- Approximate size: 16 feet by 36 feet.
- Approximate side-yard setback after construction: 3.8 feet from the side property line.
- Internal layout:
 - One bedroom.
 - One bathroom with stand-up shower, vanity, and toilet.
 - A small counter area with sink and cabinets but no stove.
 - A small refrigerator may be present.
 - Direct internal access/opening from the new space into the existing family room of the main house.

The applicants testified that the purpose is to provide affordable and supportive living space for their daughter, who is struggling with housing costs and has health issues, while allowing her some privacy but retaining connection to the main home. The addition will be single-story, and a portion of existing fencing will be removed; adequate side-yard access to the backyard will remain, and the driveway is large enough to support the new entrance.



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The applicants submitted:

- A 1998 survey of the property with the proposed addition hand-sketched by their architect.
- Photographs of their home and their neighbor's property (marked A-1 for the applicant's home and A-2 for the neighbor's home) to show similar side additions in the neighborhood.

Engineer's Report & Board Findings:

Mr. Jones, Board Engineer, advised that under the Township Code a "family suite" is permitted only if it does not contain a kitchen or kitchenette and that a space with a kitchen/kitchenette would require a D-1 use variance for a duplex or non-permitted two-unit configuration. The Code, however, does not define "kitchen" or "kitchenette."

After discussion, the Board and its professionals considered:

- The proposed space has a sink, cabinet, and countertop and a small refrigerator but no cooking appliance.
- The space is open to and has direct access to the existing family room in the main dwelling.
- Many homes also have "wet bar" type spaces and hotel rooms often have a small refrigerator and sink that are not treated as "kitchens."

Mr. Lozuke, Board Attorney, advised that:

- The terms "kitchen" and "kitchenette" are not defined, and the Board has the authority to interpret its ordinance on a case-by-case basis.
- Each application stands on its own; tonight's interpretation would not automatically bind future applications unless and until the governing body amends the ordinance or the Board is specifically asked to issue a formal interpretation.

The Board, after discussion, agreed that the proposed sink/cabinet/counter arrangement, without a stove and with open access to the primary dwelling, would not be considered a "kitchen" or "kitchenette" for this application.

Mr. Jones recommended conditions clearly prohibiting installation of a stove or future conversion of the space into a separate dwelling unit.

With the kitchenette/use issue resolved as a permitted single-family home with an addition, the Board considered the required bulk C variance for side-yard setback.

Key zoning points:

- Ordinance:
 - Requires an aggregate side-yard setback of 20 feet.
 - Minimum side yard per side: 8 feet.
- Existing:
 - Approximately 10.2 feet on one side.
 - Approximately 20 feet to the neighbor on the other side before the addition.
- Proposed:
 - New addition will result in an approximate 3.8-foot side-yard setback on the addition side.



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- Effective deviation: ordinance would allow approximately 7.8 feet on that side; the request is for 3.8 feet, a deviation of about 4 feet.

Mr. Jones characterized the relief as a C-2 variance which benefits outweigh detriments, rather than a C-1 for hardship related to physical characteristics of the property, though he acknowledged the family hardship context as additional background.

Applicant's justification and Board discussion included:

- The 16-foot depth is needed to provide functional bedroom, bathroom, and sitting space for the daughter; a shorter (approximately 12'6") addition, which would meet code, would be too narrow once foundation thickness and interior walls are accounted for.
- The backyard contains a pool and improvements, and relocating the addition to the rear would require removal of those amenities and is not desirable to the owners.
- The neighbor most affected (on the side of the addition) was notified and did not object; a neighbor, Andrew Simonsick, 457 Euclid Avenue, testified in favor, stating that several homes on the block already have similar configurations and that the addition would not be a detriment to the neighborhood and that the applicants maintain their property well.
- The deviation is relatively modest in functional terms (approximately four feet from what could otherwise be built by right) and maintains safe access alongside the structure.
- The addition promotes appropriate residential use and helps address housing needs for a family member, consistent with the Municipal Land Use Law (MLUL) purposes regarding appropriate population densities and provision of residential space.

Public Comment:

- Joanne Mortimer, 39 Lanci Road, asked whether a "hardship" variance might apply given that the addition is to accommodate the applicants' daughter. Mr. Jones, Board Engineer, explained the difference between C-1 (hardship) and C-2 (benefits) standards and maintained the C-2 framing.
- Andrew Simonsick, 457 Euclid Avenue, testified in support, as noted above.

Public comment was then closed.

Board Conditions:

Mr. Jones and Mr. Lozuke, Board Professionals, recommended, and the applicants agreed to, the following conditions of approval:

1. The property shall remain a **single-family** dwelling; the addition is not to be used or advertised as a duplex, two-family dwelling, or separate dwelling unit.
2. No stove or other cooking facility shall be installed in the addition; any future request to add cooking facilities would require Board review and approval.
3. Utilities for the addition will remain tied into the main dwelling in a manner consistent with a single-family home.
4. A deed restriction and/or clear resolution conditions will be recorded, as recommended by Mr. Lozuke, Board Attorney, to document the prohibition on conversion to a duplex or non-permitted second dwelling unit.



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Board Action:

A motion was made by Ms. Bebitch and seconded by Ms. Wallace to approve Application JLUB-26-02 for bulk variance relief (C-2) to permit a side-yard setback of approximately 3.8 feet for a one-story addition to the existing single-family home, subject to the conditions stated on the record.

The motion carried; the application was **approved**.

Chairwoman Valentino advised the applicants that there is a 45-day appeal period and that any construction started prior to the expiration of that period would be at their own risk. Work must commence within six months, or the applicants would need to return to the Board.

Motion	Seconded	Member	Yes	No	Abstain	Absent
X		Ms. Bebitch	X			
		Ms. Capate				
		Manager Danson	X			
		Ms. Kozierachi	X			
		Mayor Talarico				RECUSED
	X	Ms. Wallace	X			
		Deputy Mayor Zahradnick				RECUSED
		Vice Chairwoman Bruce	X			
		Chairwoman Valentino	X			
		Mr. McDonald, Alternate #1	X			
		Mr. Zerega, Alternate #2				
		Mr. Jacoby, Alternate #3				

- | | |
|---|---|
| <p>2. 2910 Route 73 North
 <u>Applicant:</u>
 <u>Application #:</u>
 <u>Zone:</u>
 <u>Existing Use:</u>
 <u>Proposed Use:</u>
 <u>Application:</u></p> | <p>Block 172, Lots 1, 1.01, 1.02 & 1.04
 Fox Meadow Apartment Complex / Deerfield Associates
 JLUB-26-03
 PD (Planned Development)
 Fox Meadow Apartment Complex
 Replacement of existing solid waste & recycling containers
 Minor Site Plan Approval & Variance Relief for replacement of
 existing solid and recycling containers throughout the complex</p> |
|---|---|

Applicant & Professionals Testimony:

Applicant: Fox Meadow Apartment Complex / Deerfield Associated.
Applicant's Attorney: Charles Patrone, Esq., Raymond Coleman & Heinold. (qualified as expert)
Applicant's Engineer/Planner: Gregory B. Fusco, P.E., P.P., CME, Key Engineers (qualified as expert)
Property Manager: Edward Chang, Fox Meadow.



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The applicant sought minor site plan approval and related relief to completely restructure solid waste and recycling collection throughout the Fox Meadow complex. Additional plans including Minor Site Plan for Solid Waste & Recycling Enclosures (Exhibit A-1) and Landscaping Plan (Exhibit A-2) were disbursed to the Board Professionals and members.

The project includes:

- Removal of numerous existing scattered dumpster locations, including 13 enclosures situated on lawn areas.
- Construction of **18** new consolidated solid waste and recyclables enclosures within parking areas, designed and located in coordination with Burlington County solid waste staff and Township professionals.

Enclosure types:

- Eight (8) three-container enclosures (3 dumpsters each – 2 trash, 1 recycling)
- Seven (7) four-container enclosures (4 dumpsters each – 2 trash, 2 recycling)
- Three (3) five-container enclosures (5 dumpsters each – 3 trash, 2 recycling)

Total resulting containers:

- 39 trash dumpsters.
- 28 recycling dumpsters - an increase in recycling capacity relative to existing conditions, as requested by the County.

Mr. Fusco testified that:

- Each enclosure will be approximately 13 feet deep.
- Enclosures will be three-sided, with 6-foot-high commercial-grade solid vinyl fencing in earth-tone colors; no gates are proposed, to avoid frequent damage and maintenance issues typically seen with gated masonry enclosures.
- Corners and the dumpster positions will be protected with concrete-filled steel bollards; striping will be added to guide truck positioning.
- The enclosures will sit on concrete slabs with concrete aprons in front to accommodate collection vehicles; grades will match surrounding pavement so no new ponding or drainage issues will be created.
- The existing 8' x 8' concrete pads at the 13 lawn-area locations will be removed, and those areas will be regraded and restored with topsoil and seed and/or landscaping, resulting in an overall **decrease** in impervious coverage of approximately 1,000 square feet.

Lighting:

- Motion-activated, downward-directed LED lighting will be provided in the vicinity of the enclosures (some on buildings, some potentially on poles) to improve safety while controlling glare.

Trash and recycling containers:

- Trash dumpsters are owned/provided through the Township's MAX consortium contract with Trash Pro; damaged units are to be addressed via the established service process, with the property manager coordinating replacement.
- The complex currently owns its recycling dumpsters. Burlington County has deemed nine of them too old; the applicant will purchase nine replacement recycling dumpsters to maintain the total of 28.

Parking counts and impacts:

- Existing parking spaces: 2,383.
- Spaces to be eliminated due to new enclosures and expanded "no parking" buffer areas around them: 37.
- Post-project parking total: 2,346 spaces.



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Mr. Jones, Board Engineer, explained that under the Residential Site Improvement Standards (RSIS), the complex would theoretically require approximately 2,984 spaces, so the existing and proposed conditions are legally “nonconforming” to RSIS. However, RSIS now treats its standards as maximum or flexible standards in certain contexts, and the practical test is whether on-site parking is adequate.

Mr. Fusco testified that he personally conducted parking counts at Fox Meadow, including during overnight and early morning hours, and found nearly 300 spaces available throughout the complex, indicating that existing parking is sufficient and that removal of 37 spaces will have an insignificant impact on parking operations. Mr. Chang explained that residents register vehicles at lease signing, some reserved spaces are offered for a fee, and management attempts to accommodate accessibility needs (e.g., for residents with mobility issues).

Mr. Jones, Board Engineer, described the RSIS and property maintenance provisions as requiring a **waiver** rather than a C-variance, with the key question being whether the proposed parking supply and enclosure design are appropriate for the site.

The applicant offered the following landscaping enhancements:

- Continuation and completion of an ongoing foundation planting program that has been underway for the last two years; photographs of completed areas were marked as Exhibit A-3.
- Commitment to plant **200 trees** throughout the complex over the next **five years**, at a rate of at least **40 trees per year**, with species consistent with those shown on the submitted landscaping plan and coordinated with Mr. Jones, Board Engineer.
- Priority will be given to screening enclosures visible from Route 73 with additional landscaping to soften views from the public right-of-way.

Board Member, Mr. Jacoby, noted potential sight-distance issues at some corner locations where enclosures with 6-foot fencing are proposed near intersections particularly at Jefferson Drive, Franklin Drive, and Marshall Drive.

The applicant agreed, as a condition of approval, to:

- Review all enclosure locations in the field relative to drive aisles, sidewalks, and intersections,
- Adjust the locations and/or remove nearby parking spaces as needed to provide safe sight triangles, and
- Work with the Board Engineer through an administrative review process to finalize safe, compliant placements prior to construction.

Relief involved:

- Waiver of environmental impact data submission requirement under §178-22.1(B) (the application was deemed complete).
- Waiver under Property Maintenance §152-14(C), which requires “appropriate” masonry-type enclosures for multifamily dumpsters; the Board considered the proposed bollard-protected, commercial-grade vinyl enclosures to be an acceptable alternative.
- Acknowledgment of deviation from RSIS parking standards, treated as a parking/RSIS waiver rather than a traditional bulk variance, based on demonstrated adequacy of onsite parking.

Conditions of approval include:



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1. Submission of the final parking utilization analysis and sight-triangle/safety analysis to the Board Engineer for review and administrative approval.
2. Coordination with Burlington County Solid Waste and receipt of any required County approvals or letters regarding the trash and recycling layout.
3. Review and approval by the Township Fire Official of enclosure locations and access for emergency vehicles and refuse trucks.
4. Implementation of the trash enclosure design as testified (three-sided earth-tone vinyl, bollards, concrete slab and apron, marked positions, motion-activated LED lighting, and maintained lids on dumpsters).
5. Removal of existing lawn-area concrete pads and restoration of those areas with soil and seed or landscaping.
6. Planting of at least 200 trees over five years (minimum 40 annually), with species and locations coordinated with the Board Engineer, and prioritization of enhanced landscaping around enclosures visible from Route 73.

Public Comment:

No members of the public spoke in support or opposition.
Public comment was closed.

Board Action:

Mr. Lozuke, Board Attorney, summarized the requested approvals and conditions on the record.

A motion was made by Deputy Mayor Zahradnick and seconded by Vice Chairwoman Bruce to approve Application JLUB-26-03 for minor site plan approval and associated waivers for the Fox Meadow trash and recycling enclosure project, subject to the conditions discussed.

The motion carried; the application was **approved**.

Motion	Seconded	Member	Yes	No	Abstain	Absent
		Ms. Bebitch	X			
		Ms. Capate				
		Manager Danson	X			
		Ms. Kozierachi	X			
		Mayor Talarico	X			
		Ms. Wallace	X			
X		Deputy Mayor Zahradnick	X			
	X	Vice Chairwoman Bruce	X			
		Chairwoman Valentino	X			
		Mr. McDonald, Alternate #1	X			
		Mr. Zerega, Alternate #2				
		Mr. Jacoby, Alternate #3				



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|--------------------------------|-------------------------------------|
| 3. 630 Alexander Avenue | Block 141.01, Lot 6 |
| <u>Applicant:</u> | John Booth |
| <u>Application #:</u> | ZB-25-12 |
| <u>Zone:</u> | BD – Business Development |
| <u>Existing Use:</u> | Commercial Business |
| <u>Proposed Use:</u> | Construct garage with office |
| <u>Application:</u> | Use Variance & Bulk Variance Relief |

Board Reconstitution:

Because this matter involved use variance relief, the Board reconstituted itself as the Zoning Board. Mayor Talarico and Deputy Mayor Zahradnick were recused from the application.

Applicant and Professionals Testimony:

Applicant: John Booth, owner of 630 Alexander Avenue and resident of 640 Alexander Avenue.

Engineer: Adam Denz, P.E., Pluck Consultants.

Mr. Booth operates Booth Mechanical, a utility contractor specializing in water and sewer repairs for municipalities, including Maple Shade. The business maintains heavy equipment, trucks, and machinery. The applicant seeks to:

- Construct a building of approximately 3,150 square feet on the 630 Alexander Avenue property, currently used for outdoor storage and operations.
- Use the building primarily as:
 - Enclosed storage for vehicles and heavy equipment to protect them from weather-related deterioration, and
 - A workspace for minor repairs and maintenance on company equipment, and
 - A small office area for paperwork and limited staff use.

Daily staffing at the building itself is expected to be limited (generally 1–3 people), with principal field operations continuing to be based across the street at the applicant’s other facility.

The site is in or near a floodplain, and the building will be constructed consistently with flood elevation requirements:

- Flood elevation is approximately 22–23.3 feet.
- Finished floor will be at least 2 feet above base flood elevation, achieved with appropriate foundation design, satisfying FEMA and local flood regulations.

The building will sit on a concrete foundation; the design avoids introducing new flood hazards or noncompliance with floodplain management standards.

The application includes acknowledgment and/or relief for the following:

- Existing nonconforming lot area and lot width (pre-existing conditions).
- Side-yard setback variances:



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- One side proposed at approximately 11.8 feet where 30 feet is required.
- Opposite side is proposed at approximately 22.7 feet where 30 feet is required.
- Rear-yard setback variance:
 - Approximately 20.5 feet where 40 feet is required.

The building is accessory to an already-existing, long-standing contracting use in the BD district, and is intended to organize and enclose current outdoor operations rather than intensify them.

Mr. Booth testified that:

- Booth Mechanical typically employs around 10 employees, with small fluctuations.
- The new building will improve aesthetics by bringing equipment and repair work indoors rather than leaving machinery exposed.
- Enclosing equipment will extend its useful life and reduce deterioration from weather, improving safety and reliability.
- Repairs conducted on-site are “minor” in nature (e.g., belts, small mechanical items) on company-owned equipment, primarily to support field operations, not to function as a public auto repair shop.
- The building supports and organizes an existing use rather than creating new traffic or new intensive commercial activity.

Mr. Jones and Mr. Lozuke, Board Professionals, summarized that the use variance and bulk variances were sought by Applicant to permit reasonable development on an existing undersized business lot and to address the pre-existing nonconforming use in the BD Zone. Mr. Jones also indicated that the Applicant elected to bifurcate the application and that the Board will only address and vote on the use and bulk variances this evening and that the Applicant will be required to submit a separate application to address the site plan issues at a later date once more information is supplied to the Board.

A temporary tent-structure currently on-site used for similar purposes will be removed once the permanent building is in operation. The applicant agreed to remove the tent within 45 days of issuance of a Certificate of Occupancy (CO) for the new building.

Public Comment:

No members of the public came forward to speak for or against the application. Public comment was closed. Mr. Lozuke, Board Attorney, summarized the use and bulk variances, as well as the conditions on the record, including:

- Acknowledgment of existing nonconformities.
- Approval of side and rear-yard setback relief as requested (11.8 feet and 22.7 feet side yards; 20.5 feet rear yard).
- Condition that the temporary tent structure be removed within 45 days after issuance of the CO for the building.

Board Action:

A motion was made by Mr. McDonald and seconded by Manager Danson to approve the use and bulk variance Application ZB-205-12 with the stated variance relief and conditions.



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The motion carried; the application was **approved**.

Motion	Seconded	Member	Yes	No	Abstain	Absent
		Ms. Bebitch	X			
		Ms. Capate				
	X	Manager Danson	X			
		Ms. Kozierachi	X			
		Mayor Talarico				RECUSED
		Ms. Wallace	X			
		Deputy Mayor Zahradnick				RECUSED
		Vice Chairwoman Bruce	X			
		Chairwoman Valentino	X			
X		Mr. McDonald, Alternate #1	X			
		Mr. Zerega, Alternate #2				
		Mr. Jacoby, Alternate #3				

VI. Miscellaneous:

1. Minutes: January 21, 2026

A motion to approve the minutes from the Joint Land Use Board Meeting on January 21, 2026 was made by Manager Danson and seconded by Mayor Talarico.

All members voted in favor; the minutes were **approved**.

VII. Discussion:

Before the final public comment, the Board Attorney returned to the earlier question raised by resident, Andrew Simonsick regarding the Township Manager’s eligibility to sit on the Board. He clarified for the record that under the Municipal Land Use Law, the Class II official, which is the mayor’s appointee representing the governing body or municipal official, is **not required** to be a resident of the municipality. This is the sole exception to the general residency requirement for Planning Board/Joint Land Use Board Members.

The Chair asked Mr. Simonsick if he had heard and understood the clarification.

VIII. Public Comment

During general public comments, Ms. Joanne Mortimer, 39 Lanci Road, reiterated her concerns about meeting notice. She stated that in her view, failure to have the agenda posted to the Township website at least 48 hours prior to the meeting could render the proceedings illegal and subject to appeal in court within 45 days. She noted that if a court agreed, the approvals granted that evening could be overturned and applicants would have to return, causing additional expenses for attorneys and consultants. She indicated that her intention in raising the issue at the start of the meeting was to give the Board and applicants the opportunity to decide whether to proceed or reschedule.



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No Board action was taken on this issue at the meeting; the Board had previously decided to proceed with the agenda.

IX. Adjournment:

There being no further business, a motion to adjourn was made by Ms. Bebitch and seconded by Mayor Talarico.

All members voted in favor; the meeting was **adjourned**.

The next scheduled Joint Land Use Board meeting is Wednesday, March 18, 2026, at 6:30PM.

Respectfully submitted,

Karen A. McShane
Joint Land Use Board Secretary