

**CINNAMINSON TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
July 10, 2019**

MR. BEDNAREK: The Regular Meeting of the Zoning Board being held July 10, 2019 beginning at 6:42 p.m. in the Municipal Building, 1621 Riverton Road, Cinnaminson, NJ. Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by advertising this Regular Meeting in the Burlington County Times on January 15, 2019 and by advertising this Regular Meeting in the Courier Post on January 15, 2019.

This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision, and decorum appropriate to a judicial hearing must be maintained at all times.

Members Present – Mr. Bednarek, MR. Conway, Mrs. Galosi, Mr. Hare, Mr. Trampe, Mr. Sell and Mr. Devlin.

Also Present: Mr. Strobel, Board Attorney, MR. Farrell, Board Engineer and Patricia Rucci, Board Secretary.

MR. BEDNAREK: The Board's policy is not to commence hearing a matter after 10:00 p.m., but instead to adjourn the matter to the next regularly scheduled meeting. Any matters still being heard at 10:00 p.m. may be completed that evening or may be adjourned to the next regularly scheduled meeting at the Board's discretion.

MR. BEDNAREK: Case #19-7-2 – Matthew and Molly Parks – Bulk Variance – 2205 Chestnut Hill Drive, Block 2803, Lot 27.

MR. STROBEL: He swears in Matthew and Molly Parks.

MR. BEDNAREK: You are here for a proposed front yard setback where the fence is 5 foot where 20 feet is required.

MR. AND MRS. PARKS: Yes.

MR. PARKS: They wanted to make their side yard a little bigger to have a bigger back yard.

MRS. PARKS: We are on a corner lot and our house is on top of a little hill. It is angled so it is a little bit of an awkward shaped property.

MR. TRAMPE: Are you taking the fence to the edge of Conrow?

MR. PARKS: Yes.

MR. BEDNAREK: He referred to the diagram.

MR. PARKS: He described where they wanted to install the fence. They have a 4 foot chain linked fence now 25 feet from the property line.

MR. BEDNAREK: If you receive a variance, you plan on putting in the rear fence to match the side fence.

MR. PARKS: Yes.

MR. BEDNAREK: What type of fence was is considering?

MR. PARKS: Six Foot, white, vinyl fence

MRS. PARKS: They would plant bushes and shrubs on the Conrow Road side.

The Board and the applicant discussed the existing fencing, proposed fencing and gate.

MR. BEDNAREK: He expressed concern about the 5 foot setback.

MR. SELL: He asked the applicant if he would consider an iron, aluminum open fencing.

MR. PARKS: We would prefer privacy.

The Board and the Applicant discussed the setback.

MR. BEDNAREK: If the Board were to grant a variance for 10 feet where 25 feet is required, that would be acceptable to you?

MR. PARKS: Yes.

MR. BEDNAREK: Does anyone else have any comments? The motion can be any setback that you really want. If we feel differently on how the motion would be drafted, please do so

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to approve a 10 foot setback for a 6 foot vinyl privacy fence where 25 feet is required. Standard conditions. The fence across the back will match the side fence as well as the fence in front of the yard. The Lot 21 border fence remains the way it is. CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mr. Hare, Mr. Trampe, Mr. Sell, Mr. Devlin and Chairman Bednarek, no opposed, motion passes.

MR. BEDNAREK: You are going to leave the barrier, with the foliage on it that is between you and your neighbor.

MR. PARKS: Yes.

MR. BEDNAREK: Case #19-7-3 – John Edmonds – Bulk Variance – 624 Chapel Road, Block 2901, Lot 75.08.

MR. BEDNAREK: You are here for a porch set back of 25 where 30 is required.

MR. EDMONDS: That is correct.

MR. STROBEL: He swears in John Edmonds.

MR. EDMONDS: He wants the addition to make it look nice for the neighborhood. He needs to bring the porch out. I am on a cul-de-sac. It bumps into that setback of 30 feet from the road. I am here to see if I can get a variance to extend that porch out. The rest of the project really doesn't interfere with the Zoning. This is just one small part of a larger project.

MR. STROBEL: He swears in John Edmonds.

MR. DELROSSI – Cipriani Remodeling – The new porch would be approximately 10 feet projected out. There is about 18 square feet that will encroach.

MRS. GALOSI: When the porch is done, it will be 10 by what?

MR. DELROSSI: 10 x 20 3/8 inches.

MR. EDMONDS: I always wanted to do this. I will be increasing the value for all of the homes in the cul-de-sac.

MR. BEDNAREK: He opened the public portion of the meeting.

MR. STOBEL He swore in Mr. Chichester.

MR. CHICHESTER: Is there a precedence for this? Has anybody applied to an appeal for a variance, if this is granted for this particular property?

MR. BEDNAREK: It is considered on a case to case basis.

MR. HARE: When we make a judgement and render a decision, there is no precedent set for future cases.

MR. STROBEL: That is correct. Everything is case by case.

Mr. Chichester: Is this request based on an accurate, up to date survey?

INAUDIBLE: Yes.

MR. BEDNAREK: He closed the public portion of the meeting.

A MOTION IS MADE BY MR. DEVLIN seconded by Mr. Hare to grant the setback of 25 feet where 30 feet is required so the addition can be built as per the submitted plan. When the addition is built, the entire house is going to match. Standard conditions. Roof match on the addition. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mr. Hare, Mr. Trampe, Mr. Sell, Mr. Devlin and Chairman Bednarek, no opposed, motion passes.

MR. BEDNAREK: Specialized Industrial Associates – Preliminary Site Plan, Bulk C Variance – 1705 Industrial Highway, Block 806, Lot 1.02.

MR. BURNS: Attorney for Special Industrial Associates. They are here requesting Use Variance Approval, Preliminary Site Plan approval, Bulk C Variance associated with the proposed retail and restaurant use with a drive through at the property located at 1705 Industrial Highway, Block 806, Lot 1.02. A Use Variance is because of the proposed retail development. We will hear testimony that the applicant has been actively attempting to market this property to

a tenant since they acquired it in 1989. MR. STROBEL: He swears in Michael DeMayo, Robert Stout and James Miller.

MR. DEMAYO: He is the owner of the property and the applicant. They acquired property around 1989. We subdivided the property to create the industrial buildings that sit there now. We created a 2.5 acre frontage piece. Built two Industrial Buildings. In the nineties we tried to market the vacant lot for sale with no luck. In around 2002, we came in for a Preliminary approval for a 12,000 square foot office building, which we got Preliminary approval for and that was when we were able to use almost 75 percent of our land at that time. We got approved then we marketed the sale of the 12,000 square foot office building to no avail.

MR. HARE: If you get relief and go through Final Site Plan, is it your intent to build something or to use that to market the property and sell the property?

MR. DEMAYO: We are going to market it to sell it to a developer.

MR. STOUT: He referred to Mr. Farrell's letter of May 24, 2019. Page #2 and 3 Major Site Plan Completeness Review Items 1 through 9. They asked for waivers.

Item #16 - Location of new streets – there are no new streets.

Item #17 - They are not asking for new lots to be configured.

Item #18 - There are no deed restrictions on this that we are aware of and we are not proposing any.

Item #19 – Existing or proposed lands for public use – There are no public use lands proposed.

Item #20 – This is going to be built in one application. Not phased in any way.

Item #30 – There are no new streets proposed.

Item #31 – No new streets proposed. N/A

Item #35 – Waiver for site identification sign – We have a sign shown. We are meeting your Ordinance requirements. We are not asking for any variances for this.

Item #39 – Architectural Floor Plans – We have a footprint that we are looking to do. It is only for Preliminary at this time.

MR. FARRELL: Item numbers 1 through 7 we have no objections to grant these waivers.

Items #8 and #9 – We deferred for Final Site Plan.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to deem this application complete and to grant the waivers in the Engineer's Report dated May 24, 2019, Items 1 through 7 and 8 and 9 defer them to the Final Site Plan Approval.

MR. STOUT:

Exhibit A-1 – Proposed Site Plan Super imposed on the Aerial.

Outlined in red is the entire lot it is 2.55 acres. We are only allowed to develop .9 acres.

Exhibit A-2 – Proposed Site Plan/Landscaping Plan.

MR. STOUT: He described the Exhibits.

4,640 square foot building proposed. They are proposing 2 retail pad sites, 1 drive through. Access would not be from Route 130. It would be Industrial Drive. The parking requirement is 10'x20'. We don't have shopping carts in this area. They are proposing 9' x 18' parking spaces. The required ADA spaces are in the front. The trash enclosure to the rear. They are proposing a loading area directly into the rear of property. That will be hidden from building on both sides. Will not be visible from Route 130. We ask for a waiver of the width. The requirement width is 15 feet wide. We have this as 13 feet.

MR. BEDNAREK: Is the loading area at ground level?

MR. STOUT: Yes. We would anticipate that any deliveries would be off of peak hours. He discussed the landscaping. They are proposing LED lighting. He discussed the variances. We are meeting everything that your Ordinance requires.

MR. STOUT: Your engineer had a lot of comments. We agreed to do 99 percent of them. He discussed the basin.

MR. STOUT: Page #4 Variance – Drive-through we have 11

Page #5 Item A – Stormwater- we are asking for a waiver to exceed. We are doing more than the DEP is asking.

Page #7 Environmental Impact Statement asking for waiver. We are respecting every environmental concern on this site.

For the Preliminary Approval we are asking for a waiver of the Traffic Study.

Page #7 - Item #1 – Parking Stall Size - 9' X 18'is what we are requesting – Ordinance requires 10' X 20'.

Item #2 – Zero Foot setback from property line. We are asking for 0 because it makes sure we have enough parking on the site. There is the Industrial Building plus a 10 foot buffer before you get to the next parking area.

Item #3 – Loading Dock Size 15 is Ordinance requirements. We are asking for 13.

- A. Landscaping Plan - requirement to replace trees We are adding landscaping.
- B. Screening and Buffering – We are willing to put additional landscaping along frontage of Route 130.

They are adding landscaping.

MR. BURNS: My client indicated that they would be happy to have our professionals work together to see what is a suitable height.

MR. STOUT: We are making sure all of our plantings are outside the site triangle area of both Industrial Highway and Route 130. They are not proposing an irrigation system.

MR. FARRELL: Page #4 – Item #5

MR. STOUT: We are asking for multiple tenants to make this a more marketable plan that is why we are here.

MR. FARRELL: Page #5 - D. Natural Heritage Database – You said that you have NJDEP Permits.

MR. STOUT: Correct

MR. FARRELL: Provide permits to Board for review

MR. STOUT: Will supply.

MR. FARRELL: L. (Inaudible) Rate of Test Pits – He wants to make sure the proper numbers are being used.

MR. STOUT: We will.

MR. FARRELL: Page #6 f. and g. Stormwater – He wants to make sure that these (inaudible) up in items like a maintenance plan.

MR. STOUT: Everything will be in that Maintenance Plan.

MR. TRAMPE Building signage Is that something you are taking care of at a later date per tenant?

MR. STOUT: We will meet sign requirements. If somebody wants something larger, we will be back.

MR. TRAMPE: How deep is the retention pond?

MR. STOUT: It is about 4 ½ feet. This would be considered dry. It would have water up to 72 hours.

MR. FARRELL: Did the site plan have Do Not Enter?

MR. STOUT: There are two Do No Enter Signs (inaudible).

MR. MILLER: Planner for the Applicant – The uses we are requesting are uses that are permitted, but they are only permitted in a larger scale of shopping centers. That is the reason we need the D Variance. He discussed the different uses in the area. There is no potential for any conflict or adverse impact from this use on those uses. It is a good fit within this portion of the district. It is fully compatible with the surrounding uses. I believe the application would satisfy both the positive and negative criteria both the use variance and any of the intended C Variances.

MR. BEDNAREK: He opened the public portion of the meeting.

MR. STROBEL: He swears in Ms. Dalmon.

MS. DALMON: What permits did you need to get from DEP?

MR. STOUT: No permit needed because we didn't touch any environmental.

MR. STROBEL: He swears in Ms. Pierson.

MS. PIERSON: She spoke about the water and the creek. She spoke about having more green space.

MR. STROBEL: He swears in Mr. Aguilar.

MR. AGUILAR: He asked about the run off. Will there be curves (inaudible) divert the water into your 4 ½ foot runoff?

MR. STOUT: Yes there will. Everything runs on site. We are making sure we meet all of the DEP reduction requirements for this.

MR. AGUILAR: He asked about this property being left as Open Space.

MR. BEDNAREK: The land is not a public portion of land.

MR. BEDNAREK: He closed the public portion of the meeting.

MR. MARSHALL: A restaurant is permitted on the Route 130 Corridor. A Bank is permitted. A professional office is permitted. Single Retail is not permitted unless it is located within a Shopping Center. A Shopping Center requires a minimum of 15 acres and 750 feet frontage. The reason they are here is because they are proposing two retail components within that lot.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to grant a Use Variance for two retail uses and a restaurant with drive-through in a BD Zone where retail is not permitted.

ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mr. Hare, Mr. Trampe, Mr. Sell, Mr. Devlin and Chairman Bednarek, no opposed, motion passes.

MR. BEDNAREK: Mr. Farrell, are you okay with the permits we have? Do we have any issues still pending with the Preliminary Site Plan?

MR. FARRELL: The applicant's engineer has agreed to work with our office with any outstanding comments.

MR. BEDNAREK: Particularly the drainage issues that were there.

MR. FARRELL: Correct.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to approve Preliminary Site Plan Approval with the following conditions and variances parking stall size they are requesting 9' X 18' where 10' X 20' is required. The width of the loading dock they are requesting 13 feet where 15 feet is required. On the north side, the buffer to be zero where five foot is required.

Drive-Thru stacking the Ordinance requires 5 cars in front and 5 cars behind, they are asking to have two in the front and nine in the back. They are asking for some waivers and deferments. When they come in for Final for the loading dock, should a tenant need the use of the tractor trailer for delivery, that it will be readdressed. Waiver of Environmental Study as long as they stay out of the DEP delineations and they agree to provide when they come back for Final. They agreed to provide the LOI's from the DEP for the current delineations. Waiver of Traffic Study. The Architecturals signage they agree to meet the current standards when they come back we will address those issues as required. They agree to rerun the flow of circulation using a tractor trailer and if they need to amend the turning radius they will address that during final site plan. If there is (inaudible) tractor trailers. Any other conditions or issues that were addressed in the Engineer's letter, between now and Final Site Plan they agree to work with the Engineer to address those concerns. If there is anything that needs to happen, if they can't come to an agreement, they will come back before us during Final . To address any headlight issues at Final Site Plan. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mr. Hare, Mr. Trampe, Mr. Sell, Mr. Devlin and Chairman Bednarek, no opposed, motion passes.

MR. BEDNAREK: YLD Corporation – Use Variance – 501 N. Belleview Avenue, Block 403, Lot 1.

MR. BURNS: Attorney for YLD Corporation – They are here tonight for Use Variance Approval and Bulk Variance Approval associated with a proposed General Contractors Shop and use, storage yard and office for the property located at 501 Belleview Avenue Block 403, Lot 1. Use Variance Approval to permit the General Contractors Shop with storage yard and office in Light Industrial Zone. Part of the storage will include boom trucks which are large trucks that have a large cherry picker on the top. Those trucks will be stored in a very large parking lot during the summer months and all the equipment will be stored indoors during the winter so you won't see the trucks or any of the equipment. That is part of the addition that is being proposed. The applicant is proposing a second story addition to this property. The reason we need set back variances is because the second story addition needs to go on the existing first floor. Set back variances were granted by the Zoning Board back in 2002 for the proposed first floor or existing building. Also, in 2002 the Zoning Board granted Use Variance approval for a Contractor's Shop, storage area and Contractor's Office. We are asking for the same type of use hat was granted for this property and the same setback variance back in 2002. That use is no longer in effect for the property and we are proposing a different type of vehicle storage on the property. Other than that, it is an identical application to what was filed and approved by the Zoning Board in 2002. He presented Exhibit A-1 – Resolution for Application 2002-1-1 dated January 9, 2002. There are four employees, (inaudible) the owner that would be 5. It is not used during the day. The employees come in, drop their cars off, pick up the trucks. They leave and go to job sites. During the day, it is relatively an inactive site. In the wintertime, those trucks will be stored indoors.

Mr. STROBEL: He swears in Elizon Daluz and Elio Reverio.

MR. BURNS: You are looking to relocate your general contracting business to the subject property.

MR. DALUZ: Yes.

MR. BURNS: (Inaudible) small general contracting company'

MR. DALUZ: Yes.

MR. BURNS: You are in the business of reframing houses.

MR. DALUZ: Yes.

MR. BURNS: You are looking to relocate your business to the subject property and are proposing a contractor's shop, (inaudible) storage area and office??

MR. BURNS: There is currently an existing building on the property.

MR. DALUZ: Yes.

MR. BURNS: You are looking to expand the side of the building by adding a second story addition.

MR. DALUZ: Yes. We are going to just raise the building. Same Size. We are just going to raise the walls, new roof.

MR. BURNS: Part of the use is a very large warehouse.

MR. DALUZ: Yes.

MR. BURNS: Is that the warehouse, you will store your equipment and trucks?

MR. DALUZ: Yes.

MR. BURNS: Those will be stored there during the winter months.

MR. DALUZ: Yes.

MR. BURNS: Are you going to add ample space to store in house (inaudible)?

MR. DALUZ: Yes.

MR. DALUZ: He has a Low Boy – It is a tractor trailer. We usually don't keep any equipment at the yard. We just keep the tractor trailer. The crane is what we are going to keep at the yard. It is a boom truck crane. It is about 7 feet wide 32 feet long and about 12 feet high. The crane expands. The only time it expands is when we a on the job site.

MR. BURNS: The pole extends. When you are done it folds back down.

MR. DALUZ; I have a picture of it.

MR. BURNS: You are proposing to store just 3 boom trucks.

MR. DALUZ: Yes.

MR. BURNS: Ladder (Inaudible).

MR. DALUZ: If we are busy, everything is out.

MR. BURNS: Is it your intention to store anything else outside other than your vehicles?

MR. DALUZ: No.

MR. BURNS: So all materials will be stored inside. All equipment will be stored inside. Is it your intention to take which is a somewhat run down type of building. You intend to improve that building.

MR. DALUZ: Yes.

MR. BURNS: You intend to improve it, if you get approval tonight, immediately.

Inaudible

MR. BURNS: If you are granted approval tonight, you will begin the process with your architect and move forward,

MR. DALUZ: Yes.

MR. DALUZ: Hours of Operation 5:30 AM to 5:00 or 6:00 at night or until the job gets done.

MR. BURNS: What about the noise from trucks?

MR. DALUZ: You can't really hear the noise.

MR. BURNS: So you are not getting shipments of big heavy equipment or tractor trailers coming in.

MR. DALUZ: No.

MR. BEDNAREK: Your tresses are delivered to the work site.

MR. DALUZ: Yes.

MR. BURNS: Your property is surrounded by woods.

MR. DALUZ: Yes.

MR. BURNS and the applicant discussed the prior use of property.

MR. STROBEL: So the prior use was a contractor shop and

MR. BURNS: storage yard and office.

MR. MARSHALL: The Use Variance that was granted he never exercised that variance. I would not let him occupy the property unless he rehabbed the building like he testified he would.

MR. BEDNAREK: He asked for the days of operation.

MR. DALUZ: Monday to Friday. Very rare on weekends.

MR. HARE: He expressed concern about the noise in the early morning.

MR. BURNS: We have an obligation to comply with your Noise Ordinance requirements.

MR. STROBEL: He advised that any motion is contingent upon receiving the Owners Certification.

MR. BEDNAREK: He opened the public portion of the meeting.

MR. LOCASTRO: He expressed concern about the noise and the property has been an eye sore. He is interested in a sight barrier.

MRS. LOCASTRO: She was hoping the property would be cleaned up. She asked about have a barrier.

MR. BURNS: In the winter months, you can see more of the property. You will see a new building, but you won't see the three cranes. They will be stored inside. There will be no public there. They aren't going to do any work there. No retail sales.

MR. BEDNAREK: He closed the public portion of the meeting.

A MOTION IS MADE BY MR. HARE second by Mrs. Galosi to approve a Use Variance for General Contractor Use with storage yard and office. A front yard setback of 18 feet where 75 is required. Side yard setback of 14.5 where 50 is required. Those already exist. No outside storage of building supplies, roof tresses. They can have trucks outside but no supplies. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mr. Hare, Mr. Trampe, Mr. Sell, Mr. Devlin and Chairman Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MR. HARE second by Mrs. Galosi to approve the Resolution for Vancomm, LLC – 2512 Route 73, Unit D, Block 3503, Lot 18 – Conditionally granting use variance to permit the warehousing, light fabrication, and distribution of components for the wireless industry. VOICE VOTE: ALL AYE, no opposed, Abstain, Mr. Conway, motion passes.

AMOTION IS MADE BY (Inaudible) second by (Inaudible) to approve the Resolution for John A. Feghali – 1015 Route 130 South, Block 1005, Lot 1 and 1702 Riverton Road, Block 1005, Lot 2 – Conditionally granting Preliminary and Final Site Plan Approvals with waivers, deferrals and exceptions, and five (5) bulk variances. VOICE VOTE: ALL AYE, no opposed, Abstain, Mr. Conway, motion passes.

A MOTION IS MADE BY MRS. GALOSI to approve the invoices for Mr. Strobel shown on the Agenda. VOICE VOTE: ALL AYE, Abstain, Mr. Conway no opposed, motion passes.

MR. BEDNAREK: He opened the public portion of the meeting. No one came forward.

MR. BEDNAREK: He closed the public portion of the meeting.

A MOTION IS MADE BY MRS GALOSI to adjourn the meeting. The meeting is adjourned.

VOICE VOTE: ALL AYE, no opposed, motion passes.

Duly passed and adopted

Respectfully submitted,

Patricia Rucci