

**CINNAMINSON TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
August 7, 2019**

MR. BEDNAREK: The Regular Meeting of the Zoning Board being held August 7, 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, Mr. Hare, Mrs. McStravick, Mrs. Wolaniuk, Mr. Sell and Mr. Devlin.

Also Present: Mr. Strobel, Board Attorney 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 # 19-8-1 – John F. Mahoney – Use Variance -1907 Taylors Lane, Block 702, Lot 18.

MR. BEDNAREK: Case #19-8-2 – Stefano Randazzo – Bulk Variance – 2305 Yellowstone Road, Block 3416, Lot 1.

We will hear Case #19-8-2 – Stefano Randazzo first.

MR. STROBEL: He swore in Stefano Randazzo.

MR. RANDAZZO: Fence on property 16' x 60'. 20 feet from the curb. He described where the fence would go.

MR. BEDNAREK: How far in is your property line from the edge of curb?

MR. RANDAZZO: From this side I think it is 21 and from that side it is 28.

The Board and the Applicant continued to discuss the fence location.

Mr. Strobel marks Exhibits A-1, Exhibit A-2, Exhibit A-3 and Exhibit A-4.

MR. BEDNAREK: You are asking for a variance for 8 feet where 20 feet is required.

MR. RANDAZZO: Correct

MR. BEDNAREK: One of the concerns that starts to happen on a corner lot is your neighbors lot now has a fence going all the way down partially to their side of the curb.

MR. RANDAZZO: He described where the fence would go.

MR. BEDNAREK: Your fence goes down to the curb.

MR. RANDAZZO: He described where the fence would go.

MR. BEDNAREK: That abuts their property line. Your neighbor ends up with a fence in their front yard going 8 feet from the curb.

MR. RANDAZZO: That is correct. He described where the fence would go. He offered to put more trees (inaudible).

MR. Strobel marks Exhibit A-5.

The Applicant and the Board continued to discuss the location of the fence. They also discussed fences in the neighborhood and setbacks.

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

MR. STROBEL: He swore in Michele Laskin.

MS. LASKIN: She spoke about the intersection. She spoke about the fence affecting the value of her house. She spoke about traffic visibility. She had a petition that she had signed by some neighbors.

MR. STROBEL: We can't accept Petitions. People need to be here. You can read what the Petition says. It says it is a Petition and it talks about two different Ordinances.

MR. BEDNAREK: We know that we are encroaching upon what is in the Code. That is why we are here to discuss that. We have the ability to adjust the code situation by situation.

MS. LASKIN: I understand that.

The Board and Ms. Laskin continued to discuss the fence.

MR. STROBEL: He swears in Tom Smith.

MR. SMITH: He was concerned with site triangles.

The applicant discussed the fence with Mr. Smith.

MR. SMITH: presented Exhibit B-1- Aerial Photo of the Premises and neighboring properties. He asked about a Traffic Study. He thinks there needs to be some consideration for the vehicles traveling down that road. He spoke about sight distances and control sight distances.

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

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

MS. LASKIN: She wanted to put the Petition in as evidence.

MR. STROBEL: I will take it, but we can't admit this into evidence.

MR. BEDNAREK: People who are here can talk and express themselves.

MR. STROBEL: We don't have authority to accept it.

MR. BEDNAREK: It is presented, it is explained and then people can comment.

MR. STROBEL: This is a judicial proceeding where there is evidence that has to meet certain standards in order to be considered by the Board.

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

MR. SELL: Your application is for vinyl. He asked the applicant if he would consider any other materials.

MR. RANDAZZO: Vinyl is the most expensive and the most appealing.

MR. HARE: He spoke about neighbors coming out and voicing their concerns. He was inclined to make the motion to deny the application and not grant relief.

MR. BEDNAREK: He does consider testimony from the neighbors and applicant. He expressed concern about the fence going down along side the front of the property and only being 8 feet off the property line.

MRS. MCSTRAVICK: If he is willing to compromise.

MR. STROBEL: We would have to vote on the motion.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Wolaniuk to deny this application.

ROLL CALL VOTE: AYE, Mr. Conway, Mr. Hare, Mrs. Wolaniuk, Mr. Devlin and Chairman Bednarek, NAY, Mrs. McStravick and Mr. Sell, motion passes.

MR. BEDNAREK: Case #19-8-1 –John F. Mahoney – Use Variance – 1907 Taylors Lane, Block 702, Lot 18.

MR. BURNS: Mr. Mahoney is the applicant and owner of the property. He purchased the property on July 17, 2019. Mr. Mahoney is requesting use variance approval associated with a proposed auto storage lot in the rear yard of 1907 Taylors Lane within the existing fenced in compound. This is not a proposed used car retail, sales lot or store. Mr. Mahoney proposes to store up to 40 cars and tow truck on site and have an office in the existing one story structure. The previous use on the property was a paving company where they stored their equipment, their trucks, their cars and used it as an office. You will hear testimony that a majority of Mr. Mahoney's business consists of buying used cars directly from dealers. He buys trade-ins from Auto Dealers. Cars are sent off site for detailing. They will be stored on site where they will either be sold at an off site auction or sold on line. You will hear testimony that 80 to 85 percent of his business is now auction sales off site with roughly 15 to 20 percent being online sales. He also sells a small percentage of classic cars which will also be stored on site. Other than some car washing and some waxing as may be needed, there will be no repair work on site, no auto body work on site, no detailing on site, no vehicle maintenance on site, other than a jump as may

be needed or replace a battery. There will be no banners, flags car sale advertising on site. The existing building on site is set back roughly 50 feet. At the rear of the lot is a paved fenced in compound where the cars will be stored. The residential look and feel will be maintained. The front yard will be landscaped. Since Mr. Mahoney acquired the property, there has been substantial improvement to the site. The use will be identified only by a small sign that is required by State Law. The Business will be issued a New Jersey Dealer's License. It will not be a used car lot.

MR. STROBEL: He swears in the applicant John Mahoney, Jr. and the Planner James Miller.

MR. STROBEL: He swears in John Mahoney Jr. and James Miller – Planner.

MR. MAHONEY: He recently purchased the property on July 17, 2019. It was a paving company.

MR. BURNS: You are in the business of purchasing used cars from auto dealers mostly trade-ins.

MR. MAHONEY: Yes. If a repair needs to be done, he sends them out, they will go for detail and then be ready for sale.

MR. BURNS: You propose to store those cars on your property.

MR. MAHONEY: Yes. Until they get sold.

MR. BURNS: You are proposing to store up to 40 cars to be stored at the rear portion behind (inaudible).

MR. MAHONEY: Yes.

MR. BURNS: That is the fenced in existing compound.

MR. MAHONEY: Yes.

MR. BURNS: The cars will stay on site until they are sold on line or at auction.

MR. MAHONEY: Yes.

MR. BURNS: 80 to 85 percent of your sales are off site or at auction. Is that correct?

MR. MAHONEY: Yes.

MR. BURNS: The balance is done by way of on line sales.

MR. MAHONEY: Yes.

MR. BURNS: This is not a typical used car lot or store where people from the public come up.

MR. MAHONEY: No.

MR. BURNS: You negotiate and you sell cars on site. That will not occur at this property.

MR. MAHONEY: Will not.

MR. BURNS: You had a used car lot in Philadelphia. You don't have that here.

MR. MAHONEY: No.

MR. BURNS: Because you changed your business.

MR. MAHONEY: Yes.

MR. BURNS: You are giving up your Pennsylvania License.

MR. MAHONEY: Yes. I am.

MR. BURNS: What is the normal turn around for the cars staying on site?

MR. MAHONEY: Maybe 30 days.

MR. BURNS: Your testimony is that there will be no more than about 40 cars stored in the rear outside portion of the lot.

MR. MAHONEY: Yes.

MR. BURNS: You will also store your tow truck.

MR. MAHONEY: Yes.

MR. BURNS: Other than an occasional car washing and waxing, will there be any auto body work on site?

MR. MAHONEY; No.

MR. BURNS: Will there be any repair work done on site?

MR. MAHONEY: There will not.

MR. BURNS: Will there be any engine work done on the site?

MR. MAHONEY: Never.

MR. BURNS: What about minor maintenance such as oil changes?

MR. MAHONEY: No.

Mr. BURNS: What about jumping a car or replacing a battery?

MR. MAHONEY: If need be, yes.

MR. BURNS: Will there be any flags, banners, balloons, used car sale signs?

MR. MAHONEY: No.

MR. BURNS: Would you agree as a condition of approval that there will be no banners, flags, balloons, for sale signs, no auto body work, no engine work and no repair work on site.

(Inaudible)

MR. BURNS: You need a State license just to be able to operate a business.

MR. MAHONEY: Yes. To do business at the auctions and where I go to (inaudible) buy my parts you have to be a registered car dealer so I need a New Jersey License.

MR. BURNS: That license would be attached to the business.

MR. MAHONEY: Yes.

MR. BURNS: At the Cinnaminson location.

MR. MAHONEY: Yes.

MR. BURNS: That doesn't mean that you are going to be selling cars out of that site.

MR. MAHONEY: No. I am not selling to the public. You have to have a Motor Vehicle Dealer's License to comply with the law.

MR. BURNS: Your business will only be identified by a small sign that will be required by the State.

MR. MAHONEY: Yes.

MR. BURNS: That will be a sign that will comply with any Township Ordinance requirement.

MR. MAHONEY: Right.

MR. BURNS: You are not looking to advertise the business.

MR. MAHONEY: No.

MR. BURNS: Are any other signs proposed on the property?

MR. MAHONEY: No. I need an hour sign. He needs to put the smallest sign that he could have within the standards of the Motor Vehicle I think it needs to be like two feet. I would like to put it on the fence if I could.

MR. BEDNAREK: I believe under the New Jersey Dealer's License you need to have an area for the showroom.

Mr. Mahoney will have a camera system and security lights. He wants to maintain the residential look at the property. The front yard will be landscaped and maintained. He had all trees trimmed and bushes cut. The house was pressure washed and the foundation of house painted.

MR. MAHONEY: You need to have spaces for two cars.

Exhibit A1 through A-7 were presented. Pictures of the building and work done at the property and shows existing gate that he would like to put sign on.

Exhibit A-8 through A-18 – Photos of what surrounds property.

MR. MAHONEY: The activity at his site will be less than his neighbors. The traffic impact will be far less than his neighbors. Mr. Mahoney stated that he owns the property. He has one part time employee. He occasionally may have a car delivered. He made an investment in this property and wants to be a good neighbor. He has an existing fenced in rear yard to store his car. He doesn't see any negative impact on the Community. He advertises cars on the internet. A customer needs an appointment to see the car. There will not be a lift. He doesn't want to do any repairs. All cars and tow truck will be behind the fence. No cars for sale out front. No oil changes. Cars are sent out for repair and detail.

MR. MILLER: He presents Exhibit A-19 Aerial Photo showing the property and surrounding uses.

This whole area is zoned Industrial District. He described the uses in the area. This is a Use Variance – The Two Purposes are Purpose A and Purpose G. It is in an Industrial area and is surrounded with comparable and compatible uses. It is surrounded by other Industrial uses. It has the capacity to accommodate the uses proposed. It is going to be better maintained and more attractive. I don't see any impairment or (inaudible) to the Zone Plan. I believe the application will merit your approval.

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. MCSTRAVICK, seconded by Mrs. Wolaniuk to grant the use variance for an automobile storage lot subject to the appropriate New Jersey licensing to allow him to operate subject to the following conditions dealer sign in an appropriate place per New Jersey Car Dealer standards, no cars out front, other than casual customer, delivery, etc. parking for people who pull in the driveway, the sign will be an hour sign that is required by the New Jersey car dealership, all cars that are stored/For Sale behind the fence in the back area of the yard, no Dealer For Sale Signs, no blow up signs, no search lights, no banners, no advertising devices, no unloading and loading, in the street, loading and unloading is appropriate for the driveway or in the back, no large trucks delivering cars in Taylors Lane, no lift, no repairs of vehicles, no auctioning cars, homeowner typical repairs (charging a battery, replacing battery, putting air in tire, washing and waxing a car, not a detail operation, no hazardous materials, no storage or use of hazardous materials, commercial available products for customers are acceptable, two parking spots behind the fence to display cars, internet advertising, automobile sales online, customers meeting by appointment to inspect the car, living room area is the owner's office, no residential tenants in the home that is there. ROLL CALL VOTE: AYE, Mr. Conway, Mr. Hare, Mrs. McStravick, Mrs. Wolaniuk, Mr. Sell, Mr. Devlin and Chairman Bednarek, no opposed motion passes.

The Zoning Board approved the Resolution for Matthew and Molly Parks, 2205 Chestnut Hill Drive, Block 2803, Lot 27 – Conditionally granting bulk variance to construct fence leaving ten (10) foot front yard setback where twenty (20) is minimum required. VOICE VOTE: ALL AYE, Abstain, Mrs. McStravick and Mrs. Wolaniuk, no opposed, motion passes.

The Zoning Board approved the Resolution for – John Edmonds – Bulk Variance – 624 Chapel Road, Block 2901, Lot 75.08 - Conditionally granting bulk variance to construct front porch addition leaving twenty-five (25) foot front yard setback where thirty (30) is minimum required. VOICE VOTE: ALL AYE, Abstain, Mrs. McStravick and Mrs. Wolaniuk, no opposed, motion passes.

The Zoning Board approved the Resolution for Specialized Industrial Associates – 1705 Industrial Highway, Block 806, Lot 1.02 - Conditionally granting use variance to permit retail establishments within small retail center and conditional use variance to permit drive-through restaurant with two (2) vehicle spaces approaching menu board where minimum of five (5) are required; preliminary site plan approval, along with certain exceptions, and submission waivers and deferrals; and bulk variances to permit nine (9) by eighteen (18) foot parking stalls where ten (10) by twenty (20) is minimum required and zero (0) to one (1) foot parking area side yard separation where five (5) is minimum required, and thirteen (13) foot loading berth width where fifteen (15) is minimum required. VOICE VOTE: ALL AYE, Abstain, Mrs. McStravick and Mrs. Wolaniuk, no opposed, motion passes.

The Zoning Board approved the Resolution for YLD Corporation – 501 N. Belleview Avenue, Block 403, Lot 1 – Conditionally granting use variance to permit general contractor shop with storage yard and office, and bulk variances to permit eighteen (18) foot front yard setback where seventy-five (75) is minimum required and fourteen and one-half (14 ½) foot side yard setback where fifty (50) is minimum required. . VOICE VOTE: ALL AYE, Abstain, Mrs. McStravick, and Mrs. Wolaniuk, no opposed, motion passes.

A MOTION IS MADE BY MRS. MCSTRAVICK to approve the invoices for Pennoni Associates shown on the Agenda. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. MCSTRAVICK seconded by Mrs. Wolaniuk to approve the invoices for Mr. Strobel shown on the Agenda. VOICE VOTE: ALL AYE, 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. MCSTRAVICK to adjourn the meeting. The meeting is adjourned. VOICE VOTE: ALL AYE, no opposed, motion passes.

Duly passed and adopted

Respectfully submitted,

Patricia Rucci

