

**CINNAMINSON TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
June 5, 2019**

MR. BEDNAREK: The Regular Meeting of the Zoning Board being held June 5, 2019 beginning at 6:45 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, Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, 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 #19-5-2 – Vancomm, LLC** – Use Variance – 2512 Route 73, Block 3.

MR. ETTENSON: Attorney for Vancomm, LLC. The applicant is here for a Use Variance.

MR. STROBEL: He swears in Michael Moskowitz – Principal of Vancomm, LLC and Gregory Leonberg – Owner Managing Member of Cinnaminson Properties, LLC

MR. MOSKOWITZ: He is one of the owners of Vancomm, LLC. He has been involved with Vancomm since 1994. No hazardous substances. He doesn't sell to the public. There are four employees. Enough parking. Two to four deliveries a day. 4,000 square feet. The applicant submitted Exhibits A-1 through A-5 showing the exterior of the property and Exhibit A-5 showing the interior of the property.

MR. ETTENSON: How far is your building from Route 73?

MR. MOSKOWITZ: 1,000 feet from Route 73 in the back. In his opinion, specifically suited for his business.

MRS. GALOSI: Do you actually build the tower?

MR. MOSKOWITZ: No.

MRS. GALOSI: You just do the pieces that would hang on the tower.

MR. MOSKOWITZ: Yes.

MRS. GALOSI: (Inaudible) two or three feet.

MR. MOSKOWITZ: Mostly steel products.

MRS. GALOSI: Is it all enclosed?

MR. MOSKOWITZ: No reason to be outside.

MR. BEDNAREK: All the welding is in doors

MR. MOSKOWITZ: Correct.

MR. BEDNAREK: You follow all the standards for welding.

MR. MOSKOWITZ: Absolutely.

MR. BEDNAREK: How about solvents?

MR. MOSKOWITZ: He indicated that there are no solvents.

MR. HARE: How much inventory do you normally carry?

MR. MOSKOWITZ: Most of the stuff is back out within two or three days.

MR. BEDNAREK: Do you install these?

MR. MOSKOWITZ: I don't install.

MR. ETTENSON: He asked the applicant to confirm the photos of the interior.

MR. MOSKOWITZ: A-5 to A-7 is the Office space. A-8 and A-9 are also office space and the rest are the shop or (inaudible) space.

MR. STROBEL: The extra Page we can do A-13A and A-13 B.

MR. BEDNAREK: Single story or two?

MR. MOSKOWITZ: Single Story. Office space in loft.

MR. LEONBERG: He is the owner of the building for 20 years. When he bought the property, it was mixed industrial and heavy truck repair. He stated that it was the use of the building since he owned it. He stated that there were no private businesses and businesses to the public.

MR. BEDNAREK: He referred to the other businesses that rent from him. Would the other businesses do similar work to what is done here?

MR. LEONBERG: It is very quiet.

MR. BEDNAREK: How many businesses are on that property?

MR. LEONBERG: There are two different businesses.

MR. STROBEL: He swears in John Marshall.

MR. MARSHALL: There are other sort of businesses there. There is some truck parking. There is an asphalt company that parks there. There is a landscaping company that parks there. There are some trailers there. They are there by virtue of a variance. As far as the occupation of the buildings, there are a couple of businesses. As far as the site itself, there are a couple of ancillary uses for parking vehicles.

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. Galois to approve warehousing and minor steel fabrication for cell tower use, no outside storage, no outside fabrication, the business is not open to the public. It is commercial. Standard conditions.

ROLL CALL VOTE: Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mrs. Wolaniuk, Mr. Sell and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #19-2-1A – John A. Feghali – Preliminary and Final Site Plan – 1015 Route 130 South, Block 1005, Lot 1 and 1702 Riverton Road, Block 1005, Lot 2.

MR. ROY: Attorney for John A. Feghali. They are here for Preliminary and Final Site Plan Approval.

MRS. MCSTRAVICK: She advised that in the past, she had a financial relationship with the applicant's engineer.

MR. HARE: He advised that Mr. Young approached him at the Township Committee Meeting regarding this application. He didn't engage in the conversation.

MR. ROY: In February, we were here for a use variance approval. That was approved.

MR. STROBEL: He swears in John Feghali and Bill Nicholson.

MR. ROY: Are there any drainage issues?

MR. FEGHALI: No drainage issues. Unless DOT (inaudible).

MR. ROY: He referred to site circulation. You are proposing an addition that will allow for entrance both from the front and back. The front entrances are the entrances the public use. He asked if this was correct.

MR. FEGHALI: Correct.

MR. ROY: Will the public be driving behind the bays (inaudible)?

MR. FEGHALI: Not at all.

MR. ROY: That is not for public access.

MR. FEGHALI: No.

MR. ROY: He presented Exhibit A-1.

Exhibit A-1 – Site Plan prepared by William Nicholson dated March 12, 2019.

MR. NICHOLSON: There is an existing pump station on site.

MR. ROY: We basically are in agreement with your Engineer's letter. There are some little details (inaudible).

MR. FARRELL: He referred to checklist #2 – Item #10 - Who parks where?

MR. NICHOLSON: He will show it on the plans.

MR. FARRELL: #3 Item #17 – He asked about the plan for the consolidation of the lots.

MR. ROY: I have the Deed of Consolidation on my desk. We have to do it. We want to do it.

MR. NICHOLSON: The comment also asked to have the lots broken down individually. We can show that on the plan.

MR. FARRELL: #4 – Item #18 Deed restrictions.

MR. ROY: John, there are no deed restrictions that we are proposing.

MR. FEGHALI: Correct.

MR. FARRELL: #10 – Item #27 – You are saying the pump station is existing.

MR. NICHOLSON: Yes.

MR. FARRELL: You are saying the existing pump station may be removed, but you are not at that stage yet.

MR. NICHOLSON: Correct.

MR. FARRELL: #12 – Item #34 – How is trash handled now?

MR. FEGHALI: There is a dumpster on site.

MR. ROY: John, you propose to replace the existing dumpster?

MR. FEGHALI: Correct. He will enclose the dumpster.

MR. NICHOLSON: We propose to add that on the plans.

MRS. GALOSI: What will enclosure be made out of?

MR. NICHOLSON: We are proposing a masonry enclosure with gates in the front. The three sides will be masonry.

MR. FEGHALI: Standard gates - chain link with slats.

MR. FARRELL: He asked about access.

MR. FEGHALI: He will put signage.

MR. BEDNAREK: We need a detailed parking schedule to make sure we know what each spot is for.

MR. NICHOLSON: Understood.

MR. ROY: We will work with John and your professionals for the dumpster location.

MR. BEDNAREK: Detailed parking plan, need to know where the soil pump is going, we need plan updated to show dumpster, pump, circulation pattern on plan, any signage for the pattern, deed issue.

MR. ROY: If approved, we will consolidate lots.

MR. BEDNAREK: Circulation, deed, parking, dumpster and pump station.

A MOTION IS MADE BY MRS. MCSTRAVICK, seconded by Mr. Hare to deem this application complete for purposes proceeding with the hearing for the case issued and contingent

upon addressing the items referenced in the Engineer's letter. All details on the final plan.
ROLL CALL VOTE: Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mrs. Wolaniuk, Mr. Sell and Mr. Bednarek, no opposed, motion passes.

MR. ROY: John you are the owner of property.

MR. FEGHALI: He owned the station since 2005.

MR. ROY: We are here for Preliminary and Final Sit Plan in connection with certain improvements, renovations you are (inaudible) to the site.

MR. FEGHALI: Correct.

MR. ROY: Back in February, we asked for variance relief to allow you to sell a limited number of cars with no signage. That is part of what is going on here.

MR. FEGHALI: Correct.

MR. ROY: In terms of the improvements, some part of the addition will be for convenience sales. You anticipate that will be used largely by people who are currently your gas customers who stop in for gas.

MR. FEGHALI: Yes.

MR. ROY: The addition to the garage itself, is that intended to allow you to service vehicles that you can't service at the current time?

MR. FEGHALI: That is correct.

MR. ROY: Is it your intention to add employees or grow or is it to allow you to broaden what you are working on?

MR. FEGHALI: It is going to diversify.

MR. ROY: Is part of the need for improvements that you are making to the site a result of competition in the area?

MR. FEGHALI: Gas sales down 30 to 40 percent. He described how cars enter and exit the site. Anything in the rear is restricted to just employees. Deliveries are delivered by a small car three or four times a day. No necessity for loading space. Gas Truck Deliveries – once every three and one half to four days. Usually box truck for convenience store deliveries. He could let box truck enter in back for store deliveries.

MR. ROY: There may be a need for Additional landscape. If necessary, you would agree to work with the Township Professionals and Officials, if what we propose needs to be supplemented.

MR. FEGHALI: Absolutely.

MR. ROY: Will the proposed addition match the style of the existing building?

MR. FEGHALI: It will match perfectly.

MR. ROY: You are not proposing any new signage.

MR. FEGHALI: Correct. Except for handicap and used car.

MR. FEGHALI: He described signs on property since he purchased the property.

MR. ROY: We are doing renovations and improvements to try to stay competitive.

The Board and the applicant discussed parking.

MR. ROY: How many employees do you have?

MR. FEGHALI: I have one gas attendant and one mechanic.

MRS. GALOSI: How many do you expect to have in the convenience store?

MR. FEGHALI: Just one. When one employee leaves one will take over.

MRS. GALOSI: What are the hours of the convenience store?

MR. FEGHALI: Same hours as gas station 6:00 a.m. to 10:00 p.m.

MR. FEGHALI: Convenience Store is primarily for people getting gas.

MR. MARSHALL: He asked about the freestanding sign in the future. Are you looking for approval this evening?

MR. NICHOLSON: It is detailed on the plan.

MR. MARSHALL: So you are seeking a variance for the size of the sign and the location of the sign.

INAUDIBLE: Correct.

MR. MARSHALL: The canopy was mentioned as well. He needs a variance for those too.

MR. BEDNAREK: When I look at the details, that is every sign with the exception of the Car Dealer Sign that we talked about.

MR. NICHOLSON: The one free standing sign on the corner, the façade signs which are on the four sides of the canopy.

The Board and the applicant discussed the signs.

MR. NICHOLSON: We are going to rely on existing lighting that was approved in 2007. We are proposing some additional lights on the building to light up the area between the building and the jug handle. We have proposed landscaping.

MR. ROY: Pre-existing conditions. The lot width. It is not the 200 feet that is required.

MR. NICHOLSON: That is correct.

MR. ROY: Depending on how it is measured, it is 164 feet at its minimum. We are not changing that. We are not making that smaller.

MR. NICHOLSON: That is correct. It is an existing condition.

MR. ROY: In terms of parking space size, we are proposing 9' x 18' spaces.

MR. NICHOLSON: We have been using them standard in a lot of different commercial applications for many years. We would like to use them here verses the 10 by 20 that is required by Ordinance.

MR. ROY: Is it reasonable not to have a designated loading space?

MR. NICHOLSON: Yes. Since John testified that the size of the vehicles are small. They can just use one of the existing spaces as need be.

MR. ROY: In terms of the other issues raised in the Board engineer's review letter, we are going to revised plans to satisfy those requirements.

MR. NICHOLSON: That is right. We agree to one of the items of the engineer's letter. We received the Fire Marshal's comments, which was none at this time. The County Planning Board approval is not required. He will get revised plans to Fire Marshall showing the dumpster.

MR. BEDNAREK: We are moving the dumpster and putting it closer to the back of the building. The Fire Marshal has to check the plans again.

MR. NICHOLSON: No problem.

The Applicant's Professionals and the Board discussed signage.

MR. HARE: How big are the signs?

MR. FEGHALI: The height is 84 inches and the width is about 3 feet.

MR. NICHOLSON: The Cinnaminson Sign is about 12 square feet. The logo is about 4 square feet. The Riggins is 16 square feet.

Exhibit A-2 – Sign – Color Riggins Sign.

MR. ROY: Will work with professionals regarding the landscaping.

MR. FARRELL: When it comes to landscaping, if it is there, I would tend to leave it there unless it becomes a site line issue.

MR. BEDNAREK: You testified that they go down and pick the ambulance up. They bring the ambulance back while they are on that shift so it is in the right location. Their cars and things like that aren't there.

MR. FEGHALI: Their contract will expire soon. I was told that they wouldn't be renewing.

MR. MARSHALL: Now that you used the property for another purpose. Residential use is no longer permitted.

MR. FARRELL: He referred to his review letter – Design Standards Item #5 – Rodent Infestation Control.

MR. ROY: John, did you have any issues with critters, rodents?

MR. FEGHALI: Not at all.

MR. ROY: If there were to be a problem, as a result of the convenience or anything else and Mr. Marshall required you to submit a plan. Would you be willing to do that?

MR. FEGHALI: Sure.

MR. FARRELL – Traffic – The owner testified that the traffic has decreased in the past couple years due to drop in fuel sales.

MR. FEGHALI: Not a couple years. Since the Wawas opened in November of last year.

MR. FARRELL: With the multiple uses, do you testify that there would not be an increase in traffic?

MR. FEGHALI: Not expecting an increase in traffic.

MR. FARRELL: Lighting levels - 3 spaces in the back including the ADA – are not lit at all.

MR. NICHOLSON: We will need to adjust our building amount of lighting to cover that or add pole to get those spaces lit.

MR. FARRELL: Box trucks will come during regular business hours. He referred to the EMT spot (inaudible). I want to make sure nothing is disturbing anything else.

MR. FEGHALI: Yes, as far as the truck delivering.

MR. FARRELL: I believe I showed comments in the letter for an ADA compliant ramp that would give you access to that bathroom. I am wondering if it would be necessary to show cross hatch across the parking lot for access.

MR. NICHOLSON: We can do that if need be.

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

All persons from the public who testified were sworn in by Mr. Strobel.

MR. YOUNG: He expressed concern about allowing new stuff when the old stuff wasn't done. I don't have a problem with him doing it, but I think there are standards he needs to be held to.

MR. CRAIG: He spoke about Mr. Feghali being hard working and spoke about small businesses.

MR. HAIDER: He spoke about Mr. Feghali being a small business and having no complaints with Mr. Feghali.

MR. NAPOLI: He supported Mr. Feghali.

MR. PIOTROWSKI: John is a good guy. I think it is a good thing for the Township.

MR. MINTON: They have been working for nearly three years on this project. The governing body is very committed to finding the right balance. Recently they became aware of the non-conforming business use on the site. They immediately directed that the operation cease.

MR. MINTON: On record, the Redevelopment Authority has conserved the architectural elements on this site and have affirmatively approved them. Inaudible would be happy to hear any input, any thoughts, any suggestions you have to further enhance them and further direct administrative staff to coordinate with the applicant upon your approval, to effect those standards.

MR. ROY: Mr. Feghali is expending a substantial amount on this site to modernize this site. We would ask that you approve this with the appropriate conditions. This would be a valuable asset for the Township.

MR. BEDNAREK: A lot of people have come up and talked some positively some negatively. I think we have determined that Mr. Feghali is a great mechanic and provides a great service to the neighborhood. One thing Mr. Young said was variances go with the Deed.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to approve the Preliminary and Final Site Plan and bulk variances approval based on the following conditions: the applicant will revise the parking plan, the applicant will work with the Board Engineer to determine the pump station, the applicant agreed to add a trash enclosure and add it to the plan. We talked about it being behind the convenience store and access from behind the convenience store, the signage on the back, right hand side of the building where it goes behind the driveway, the jug handle side of the apron, it wraps around the back corner to put signage for no public access. Show a vehicle circulation plan that shows appropriate signage for traffic control, no admittance, arrows directional as needed, amend the deed to consolidate the lots, the signage is a freestanding pole monumented, where testimony was 49 square foot is now and the proposed sign is 101 square foot. In addition to the size of the sign, the setback is supposed to be 5 foot, they are asking for a variance for a 3 foot setback which is existing. The lot width is 164 feet where 200 foot is required. That is an existing condition. The rear addition of the roof of the new garage is allowed to be 3 foot higher than the (inaudible) of the existing structure as shown on the plan. The flat roof that is 3 foot taller than the peak of the existing garage. The parking spaces that are on the plan, they are asking for approval for 9 by 18 parking stalls where 10 by 20 are required. Signage on the canopy – on all four sides, each group of signs word Cinnaminson Riggins in it, Pirate Nation symbol total 32 square feet on each side. We are granting approval where 40 square foot total is allowed. We are giving approval for four (4) 32 square foot signs on the four sides. Lighting on the back corner – where the three spots are at - applicant agree to work with engineer to determine whether building lights can be redirected in that direction and if not they agreed to put a pole there. Put a cross hatch for the pathway from the rear painted cross walk. Also, making sure that the person who is wheeled there is appropriate ramping to get to that bathroom. Some compliant gradient. All other normal standard conditions. If there are Rodent issues based on the new food use that the applicant comply with a request by the Township for submission of a plan. Mr. Farrell is the sounding board as these changes are made and he will review them. ROLL CALL VOTE: Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mrs. Wolaniuk, Mr. Sell and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MR. HARE, seconded by Mrs. McStravick to approve the Resolution for Case #19-5-1 – Daniel and Kathleen Ruch – 100 Cynthia Court – Conditionally granting bulk variance to construct fence leaving twenty-two (22) foot front yard setback where thirty (30) feet is minimum required. ROLL CALL VOTE: Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mr. Sell and Mr. Bednarek, Abstain, Mrs. Wolaniuk, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mrs. McStravick to approve the minutes from the Regular meeting on May 1, 2019. ROLL CALL VOTE: Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mr. Sell and Mr. Bednarek, Abstain, Mrs. Wolaniuk, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI 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, seconded 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