

**CINNAMINSON TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
July 1, 2020**

MR. BEDNAREK: TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended by A-3850, and in consideration of Executive Orders No. 103 and 107, issued by Governor Murphy on March 9 and 21, 2020 respectively, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the TOWNSHIP OF CINNAMINSON does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, the Cinnaminson Township Zoning Board of Adjustment meeting scheduled for July 1, 2020 at 6:30 p.m. at 1621 Riverton Road, Cinnaminson, New Jersey will be held electronically using Zoom audio and visual technology. Formal action may be taken. Any interested party will be able to appear and fully participate at the hearing, in accordance with the rules of the Zoning Board of Adjustment, including providing comment and offering exhibits. For members of the public who wish to attend using Zoom video and audio features on the internet, visit <https://zoom.us>, click "Join A Meeting", enter the following Meeting ID: 923 868 6246, and enter the following Password: 203375. For members of the public who wish to attend using a telephone, call one of the following numbers: +1 929 205 6099 US, +1 312 626 6799 US, +1 253 215 8782 US, +1 301 715 8592 US, +1 346 248 7799 US, +1 669 900 6833 US, and enter the above listed Meeting ID and Password. It is recommended that any interested party desiring to offer exhibits contact the Zoning Board secretary in advance for guidance.

Zoom Meeting ID: 923 868 6246

Password: 203375

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The Regular Zoom Meeting of the Zoning Board being held July 1, 2020 is scheduled for 6:30 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 19, 2020 and by advertising this Regular Meeting in the Courier Post on January 18, 2020 and by advertising this Regular Meeting in the Burlington County Times on June 16, 2020 and in the Courier Post on June 16, 2020.

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.

ROLL CALL: Members Present – Chairman Bednarek, Mr. Conway, Mrs. Galosi, Mr. Hare, Mr. Sell and Mr. Devlin.

Also Present: Mr. Strobel, Board Attorney and Patricia Rucci, 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 #20 -7-1 – Derek Mead – Bulk Variance – 2209 Berwick Drive Block 3403.03, Lot 3.

MR. MARSHALL: Mr. Mead lives on a corner lot. The fence Mr. Mead wants to put up is a 6 foot high board on board cedar fence with a front yard setback of 10 feet where 20 is required along the long side of a corner lot. It is similar to applications the Board received for fences on corner lots.

MR. STROBEL: He swears in Mr. Mead.

MR. MEAD: He would like to get as much yard as he can for his children. There is a deck off the back of the house and we have five feet of shrubbery plantings that run all around the house. Without the approval of this variance, the back and side yard being fenced in would be very small. I want to get as much yard and still be respectful of the neighbors so they can see sight lines.

MR. BEDNAREK: He referred to the plan. The applicant and the Board discussed the location of the fence.

MR. MEAD: He will put a gate on the side near his neighbors. The gate would be on front side of house. Only one gate. 6' high board on board fence. It will look the same on both sides.

MR. BEDNAREK: From the corner of your property out to the fence, would be about 20 feet with 10 feet still being on the outside to the property line on the curve.

MR. MEAD: Yes.

There were no questions from the Board Members.

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

MR. BEDNAREK: He closed the public portion

A MOTION IS MADE BY MR. HARE seconded by Mr. Sell to approve a 6 foot high, board on board cedar fence with a front yard setback of (inaudible) where 20 feet is required on the long side of a corner lot with standard conditions. ROLL CALL VOTE: AYE, Mr. Conway, Mr. Hare, Mr. Sell, Mr. Devlin and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #20-7-2 – Sam’s Real Estate Business – Bulk Variance - 2521 Route 130, Block 804, Lot 9.

MR. PEPE: Attorney for the applicant. The applicant is Wal-mart Real Estate Business Trust. We are here seeking bulk variances to add digital gas station price signing to the existing Sam’s Club canopy. I have three experts here tonight. He submitted proof of publication and notified property residences within 200 feet. Gas stations have to display the price of gasoline.

MRS. GALOSI: She arrived at the meeting.

MR. STROBEL: He swore in Charles Heydt, Planner and Greg DiBona, Bohler Engineering.

MR. DIBONA: He showed the Board the overall Site Plan prepared by Bohler Engineering. He described the plan to the Board. He identified the stores in the shopping center. He showed the proposed signs they wanted to add to the existing canopy. The focus of our discussion tonight is just the existing Sam’s Gas Station. The canopy itself will stay exactly the same. They want to add four digital signs which will depict the digital read out pricing for Unleaded and Premium Gas. They are on either end of the front of the canopy which faces that access drive that separates the Sam’s and Walmart parking field. The signs won’t be visible from the highway. They really won’t be visible from most of Mainline Drive.

He identified the detail of the signs. They are 5 feet and 4 inches wide and 3 feet and 3 inches tall. They are LED Illuminated signage. He showed the existing and proposed conditions. There will be four additional signs. 17.33 square feet each sign. It is a necessity. Currently there is a free standing sign. The intent is to remove and utilize the digital signs. They are seeking variance relief. Previously the Board approved 3 canopy signs. They are asking for 4 additional signs. Each sign is a total of 17.33 square feet. Currently they have a free standing temp sign that is manually flipped over with pricing. It is only anchored down by sand bags. The intent is to remove that and utilize the digital read out signs permanently.

Total Existing 3 signs Sam’s = 55.92 square feet. Adding 4 Signs at 17.33 square feet digital signs. The total 125.24 square feet.

MR. YEYDT – Planner – He presented photos A-1 through A-3. They wanted to obtain recent photos themselves. The photos are from their site visit. He described the photos. He reviewed the plans and visited the site.

Exhibit A-1 – Figure 1 – View of the subject property on Block 804, Lot 9, viewing west.

Figure 2 – View of the subject property on Block 804, Lot 9, viewing southeast.

Exhibit A-2 – Figure 3 – View of the Sam’s Club and parking on Block 804, Lot 9, north of the subject property, viewing east.

Figure 4 – View of the Walmart and parking on Block 804, Lot 9, west of the subject property, viewing west.

Exhibit A-3 – Figure 5 – View of the street and surrounding area north of the subject property, viewing south.

Figure 6 – View of the subject property and surrounding area, from Route 130 viewing east.

MR. YEYDT – Planner – he visited the site. We are under size. For all three façades we are at a total 125 square feet. The issue is the number of signs. The reason we have 4 signs and not one is because there are four types of gasoline fuel sold. We are in the BD District. Signage appropriate for gasoline station. We are only dealing with these 4 signs. (Inaudible)

MR. DEVLIN: 4 small signs on each canopy. Four signs total.

MR. PEPE: No additional signage.

MR. BEDNAREK: 4 small signs. Sign façade has Sam’s Club Store sign.

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

MR. MARSHALL: He asked about the signs.

MR. STROBEL: He swears in Amanda Hanna from Adams Electric Signs.

MS. HANNA: Installing proposed digital gas prices. Two Unleaded and Two Premium.

MR. MARSHALL: State of New Jersey requires advertising prices. Is diesel required as well?

MS. HANNA: She advised that they are not proposing diesel signs.

MR. MARSHALL: Can one of the signs be converted to diesel?

MS. HANNA: Yes, we can change.

MR. STROBEL: If diesel is sold.

MR. PEPE: He wasn’t sure.

MR. HEYDT: He believes it was the four types of grades.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to approve four additional signs on canopy 17.33 square feet each. The total for all signs is 125.24 square feet with standard conditions. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mr. Hare, Mr. Sell, Mr. Devlin and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #20-7-3 – Robert Harris Jr. – Bulk Variance - 2303 Lenola Road, Block 2001, Lot 6.04.

MR. STROBEL: He swears in Robert Harris, Jr.

MR. MARSHALL: Mr. Harris wants to build a 24’ by 24’ carport at the end of driveway leaving a nine foot side yard setback where 15 is required. He had an existing carport there for many years.

MR. HARRIS: He wants to protect his vehicles. Four corner posts and metal roof. Standard pitch roof. He identified photos A-1 through A-3. No sides. It is a metal roof. No electrical services. Just protection from the weather.

The Board Members had no questions.

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

MR. MARSHALL: What color is the roof?

MR. HARRIS: It matches the home. He wants to match roof shingles. He wants it to look nice.

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

A MOTION IS MADE BY MR. HARE seconded by Mr. Devlin to approve for the applicant to build a carport with a side yard setback of 9 feet where (inaudible) is required. The color of the carport will coordinate with the color of the house and the roof will match the existing roof with standard conditions. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mr. Hare, Mr. Sell, Mr. Devlin and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #20-7-4 – Christa Speck and Thoralf Mikkelsen – Bulk Variance – 728 Warrington Avenue, Block 425, Lot 7.

MR. STROBEL: He swears in Christa Speck and Thoralf Mikkelsen.

MR. MARSHALL: This application is about a detached garage that was constructed that is 1,120 square feet where a maximum of 864 is permitted. This couple purchased a 50' x 100' lot that was adjacent to their property in order to build a garage on this lot. They could not build this garage unless they consolidated the lot with their existing single family dwelling which they have done. Their lot is now 50' wide x 200' deep. Their detached garage will be an accessory to the principal use which is a residential dwelling. The three variances are 1,120 square feet where 864 is maximum permitted, 18 feet high where 17 feet high is permitted and 14 foot setback along side of a corner lot where 15 feet is required.

MS. SPECK: They want both buildings flush along the road. It is 14.3 feet from the property line. She wanted to show photos to the Board. They have a lack of storage at their home. She identified photos.

Exhibits A-1 – Items they want to store in their proposed garage.
and A-2 – The photo showed storage in their shed.

MR. MIKKELSEN: They need storage space. He described the items they need to store.

MR. HARE: Do you agree that by building this garage, it is going to clean up the outside of your house and will allow you to do everything inside?

MS. SPECK: Tremendously. She wants to plant trees and flowers. She is looking forward to having a basement and a yard.

MR. BEDNAREK: Where do the garage doors face?

MS. SPECK: On Land Street.

MR. BEDNAREK: He referred to the plans and said the building is a Steel building/Steel Pole Barn.

MS. SPECK: It is.

MS. SPECK: They want the building to be green. She showed plans of the garage that were prepared by the builder of the garage. There will be electric.

MR. BEDNAREK: It has a peak roof.

MS. SPECK: It does.

MR. MIKKELSEN: The roof trusses are wood. A steel roof.

MS. SPECK: There will be electric. It will have its own box and connection.

MRS. GALOSI: She asked if they were putting water or just electric.

MS. SPECK: They wanted to put water and sewer so her husband can clean up.

MRS. GALOSI: If they have electric and plumbing, they may want to change into a a small apartment.

MS. SPECK: The structure is not that kind of structure. It is legitimately a pole barn, metal siding and a metal roof. Its entire (inaudible) is for storage.

MR. STROBEL: That can be addressed as a condition.

MS. SPECK: Yes. Absolutely.

MR. BEDNAREK: Now that the lots have been combined, the Deed for the house is for a single family dwelling.

MS. SPECK: Correct.

MR. BEDNAREK: It is not an allowed use to have apartments or anything like that in that building.

Ms. SPECK: We are well aware of that.

MR. MARSHALL: Their attorney sent me documentation that he sent this to the County to be recorded. It was during Covid and the County offices were not working in full capacity. He

suggested a condition of approval to be that they have to show proof that the Deed was actually recorded. We need the Deed from the County showing that it was recorded.

MS. SPECK: We can do that.

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

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

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to approve the garage 1,120 square feet where maximum is 864 square feet, 18 feet in height where 17 feet is permitted, a front yard setback of 14 feet where 15 feet is required. Show proof that Deed of Consolidation was recorded for both lots prior to any permits being submitted or any work starting. This is zoned for a residential dwelling. The garage is an accessory use and not allowed to be turned into an apartment. The color has to be green and the roof has to be complimentary to existing structure. All standard conditions. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mr. Hare, Mr. Sell, Mr. Devlin and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #20-7-6 – AT Wireless Inc. – Bulk Sign Variance - 1253 Route 130, Block 1004, Lot 31.

MR. BURNS: Attorney for the applicant. Proper Notice and proofs for the hearing were provided. 1253 Route 130, Block 1004, Lot 31. Sign variance for second façade sign. They have two frontages. They have been operating for one month. The store's location has some site visibility issues related to Route 130. Some customers are missing the store's location. It also created some unsafe turning conditions into the property. They hope this additional sign will alleviate some of those issues affecting the site. They received some complaints that customers are missing the store. The proposed additional sign will be the same size, color and material as the existing sign. no variances. They just need a second façade sign.

MR. STROBEL: He swears in Andrew McManus – Vice President and General Manager for AT Wireless Inc. – 1253 Route 130 and Wynwood Drive.

MR. MCMANUS: They need an additional sign. They are a corner store. They have two separate entrances. We have one that runs parallel to Route 130 and one that runs parallel to Wynwood Drive. They need signage for store on Wynwood Drive Side. We are in the same parking lot as Starbucks. They need greater visibility and want the additional sign for safety reasons. They did receive complaints from customers because they missed/passed the store. He believes the proposed facade sign will add much needed visibility to identify the site. The sign will be the same size, color and height as the existing sign. The sign will be identical to what is on the building already.

MR. BEDNAREK: The current sign is compliant. You just want one more because of the situation.

MR. BURNS: That is correct. That is the issue why we are here. No variances needed for the sign other than it is a second sign. We do have two facades. We would like to take advantage

of that and alleviate some of the issues and concerns. They want to see the business be successful.

Mr. DEVLIN: One of the purposes for the second sign is so that southbound travelers will notice it and have time to decelerate and enter safely.

MR. MCMANUS: That is one of the issues. Yes.

MR. BURNS: We don't see any negative issues with this.

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 MR. DEVLIN seconded by Mrs. Galosi to approve the second sign on the façade that does not have a sign. The sign will be the same size as current sign. The sign will be located on the Wynwood base. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mr. Hare, Mr. Sell, Mr. Devlin and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #20-7-5 – Fernando Bastos – Bulk Variance 295 Park Avenue – Block 3507, Lot 1.02. Due to a deficiency in the Notice of this case, this case is being rescheduled to the August 5, 2020 Zoning Board Meeting at 6:30 PM. A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to continue the application for Case #20-7-5 – Fernando Bastos to the August 5, 2020 at 6:30 p.m. Zoning Board Meeting. The Zoning Board Meeting will be held in the Municipal Building as advertised in the annual notice of public meetings or by an electronic Zoom Meeting which legal notice of the Zoom Meeting would be posted. No notice is necessary for the property owners and agencies who were noticed properly. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mr. Hare, Mr. Sell, Mr. Devlin and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MR. DEVLIN seconded by Mrs. Galosi to approve the Resolution for Case #20-3-1 – Route 73 Automall, Inc. – 2514 Route 73, Block 3503, Lot 19 – Conditionally granting use variance to permit sale of used and pre-owned vehicles which is not permitted. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MR. SELL seconded by MR. GALOSI to approve the Resolution for Case #20-6-1 – Gary Pisarek and Patricia McCaffrey - 113 Parry Road, Block 3104, Lot 7 – Conditionally granting bulk variance to construct fence leaving ten (10) foot side yard setback where thirty (30) feet is minimum required. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MR. SELL seconded by Mrs. Galosi to approve the Resolution for Case #20-6-2 – Elena Ciervo - 2148 Meeting House Road, Block 2201, Lot 12 – Conditionally granting use variance to permit single family dwelling with no commercial component. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mr. Hare, Mr. Sell and Mr. Bednarek, no opposed, motion passes. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Sell to approve the vouchers for Pennoni Associates VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MR. DEVLIN seconded by Mrs. Galosi to approve the vouchers for Richard Strobel VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Sell to approve the Minutes from the June 3, 2020 Regular Meeting. VOICE VOTE: ALL AYE, no opposed, Abstain, Mr. Hare, 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 seconded by Mr. Sell to adjourn the meeting. The meeting is adjourned. VOICE VOTE: ALL AYE, no opposed, motion passes.

Duly passed and adopted

Respectfully submitted,

Patricia Rucci