

**CINNAMINSON TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
August 5, 2020**

**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 is scheduled for August 5, 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, or view exhibits that have been submitted on behalf of the applicants, contact the Zoning Board secretary, Patricia Rucci, at 856-829-6000 ext. 2313, 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 August 5, 2020 is scheduled for 6:30 p.m.

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 July 19, 2020 and in the Courier Post on July 17, 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, Mrs. McStravick, Mr. Trampe 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 #20-7-5 – Fernando Bastos – Bulk Variance - 295 Park Avenue – Block 3507, Lot 1.02.

MR. BEDNAREK: This is for a setback case.

MR. MARSHALL: Fernando Bastos came in to put an accessory structure in the side yard. He was informed that there was a certain requirement with the side yard setback. It had to be a minimum 12 feet. He changed it on his plans and was issued the permit. Mr. Bastos was out of Town and his crew built the shed when he was away. The crew was not aware of the change. When Mr. Bastos returned to Town, I advised Mr. Bastos that he needed a variance. The shed had to be built in the side yard because the back yard has a severe decline back to the Pennsauken Creek.

MR. STROBEL: He swears in Fernando Bastos.

Mr. Bastos described the four photographs of his property.

The Photographs were presented and marked as Exhibits A-1 through A-4.

MR. BASTOS: Photo of garage that he built. When he found out that his crew did something wrong and he stopped the construction. That is why there is no garage door. That is the garage that he built. He was thinking the garage door would be 8 feet or 16 feet. It will not be a garage. I am not able to do driveway over there. No cars in the garage.

MR. BEDNAREK: If you had to move the garage that is built right now back further, you would be going down the hill in your back yard.

MR. BASTOS: That is correct.

MR. BEDNAREK: If you had to build your garage back further, you would have an area that has restrictions.

MR. BASTOS: The Township wouldn't let me do footings over there because I believe the garage would fall into the water.

MRS. GALOSI: I see there is a window on the second floor. Is there a loft?

MR. BASTOS: It is not a loft. There is no way to access that. I put a window there to make it look nice.

MRS. GALOSI: It is just high up in the wall.

MR. BASTOS: Yes.

MRS. GALOSI: Do you plan on putting a car in the garage.

MR. BASTOS: No. The garage is higher from the ground so I would need to put in a ramp. I have a driveway on the other side. That is where I park my car.

MR. BEDNAREK: This is more of a recreational building.

MR. BASTOS: It is.

MR. DEVLIN: So it will be used for storage primarily.

MR. BASTOS: Yes.

MRS. GALOSI: She asked if he planned on putting plumbing in the garage.

MR. BASTOS: No.

MRS. GALOSI: Just electric.

MR. BASTOS: I am not sure, if I will do electric later. He wants to store his belongings in there.

Mr. Bastos described the four photographs of his property.

MR. BASTOS: Garage for storage.

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. HARE seconded by Mrs. McStravick to approve an accessory structure with a side yard with a 9 foot where 12 feet is required and where an accessory structure extends beyond the front line of the main dwelling by 1 foot. Standard conditions. The siding and roof will match the house. The addition will not have separate utilities. Any utilities that go in the addition should be the same utilities as the home. ROLL CALL VOTE: Mr. Conway, Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mr. Devlin and Chairman Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #20-8-2 – Mouy Kaing – Bulk Variance – 2620 Riverton Road – Block 3106, Lot 5.16.

MR. MARSHALL: When the property was subdivided it showed a very narrow rear yard. The Developer wanted to build the property this way because he didn't want to request a variance.

MR. BEDNAREK: Any deck would require a variance.

MR. MARSHALL: Yes.

MR. STROBEL: He swears in Ms. Kaing.

MS. KAING: This property is on an oddly shaped and very narrow, sloped yard. She needs to have room for a wheel chair. She wants to build a 20' x 20' deck. The deck will be made of composite material.

MR. BEDNAREK: The deck will have a wooden deck with Trex or synthetic product and will have railings.

MS. KANG: Yes. The railings will be made of the composite material.

Four Photographs were presented to the Board.

MR. MARSHALL: He took the photographs. He described the photographs to the Board.

Exhibit A-1 – Shows the narrowness of the property.

Exhibit A-2 – Shows the width of the backyard.

Exhibit A-3 – Shows the back door and the back yard.

Exhibit A-4 – Shows the sloping ground.

The Board, Mr. Marshall and the applicant discussed the photographs.

MR. MARSHALL: Due to COVID, he took photos for the applicants to help facilitate the meeting and to help the applicants.

MR. BEDNAREK: He appreciated the photos and narrative from Mr. Marshall.

MR. DEVLIN: What is the width to the back fence?

MR. BEDNAREK: We heard it was about 33 or 34 feet. If that testimony is correct.

MR. MARSHALL: At the most.

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. HARE seconded by Mrs. McStravick to approve a deck on the rear of the home leaving an 11 foot setback where 25 foot is required. Standard conditions. Composite synthetic material deck 20' x 20 to fit in corner of house. ROLL CALL VOTE: Mr. Conway, Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mr. Devlin and Chairman Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #20-8-3 - Craig and Karen Lewis – Bulk Variance – 2500 New Albany Road – Block 2901, Lot 1.

The applicants are seeking a fence with a front yard setback of 2 feet where 20 feet is required.

MR. MARSHALL: He took photos of property. It is an older dwelling. It currently has a 14 foot setback from the property line.

Above ground pool in rear yard. There is a garage that was transferred over to a living quarters. The Zoning Board gave a variance for that. They called about dogs in yard. There is a lot of foot traffic there.

MR. STROBEL: He swears in Craig and Karen Lewis.

MR. LEWIS: We have been here since 1999. We have grandchildren. We are looking to fence it off to keep our grandchildren safe.

MRS. LEWIS. New Albany is a busy road, we find trash and dogs without leashes in our yard. They are seeking this for the safety of their grandchildren and our property.

MRS. RUCCI: She presented the Exhibits.

The Board and the applicants discussed the Exhibits.

MR. MARSHALL: The property line is approximately a foot in from the sidewalk. The applicant is proposing a 2 foot setback which will make the fence approximately 3 feet in from the sidewalk, roughly up against the tree.

The Board and the applicant discussed the photos and the location of the fence.

MR. BEDNAREK: He asked about a fence in the back of the applicant's property.

MR. LEWIS: He described where he wanted the fence installed and what type of fencing. He described on the photo where he wanted the fence installed.

MR. BEDNAREK: Will all the fences be constructed at the same time?

MR. Lewis: Yes.

The Board the applicant and Mr. Marshall continued to discuss the location of the fence.

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

MR. SCHONFELD:

MR. STROBEL: He swears in Mr. Schonfeld.

MR. SCHONFELD: He referred to the applicant's survey plan. He spoke to Mr. and Mrs. Lewis regarding the fence location and his concerns regarding safety, when you are coming out of the driveway. After meeting with Mr. and Mrs. Lewis, he is requesting the corner be at least 3 feet from sidewalk and at least 10 feet from the property line in the back.

The applicants and Mr. Schonfeld discussed the location of the fence.

MR. SCHONFELD: We are in Agreement I just wanted to get it on the record.

MR. BEDNAREK: Mr. Schonfeld submitted the site plan that was already submitted. He was referencing the rear of the property as it went toward New Albany Road that the rear fence would have to be 10 feet from the property line so that the site line would be fine at the end of the driveway so that people who were going down the sidewalk would be able to be seen by motorist coming down the driveway that (inaudible) to the rear of the yard which is listed as Lot 83. Lot 83 has the driveway on it. The 10 foot is approximate. It would be starting 3 feet with inside the property line from the side yard and also 10 feet back from the rear yard so a good site line for safety on the side walk would be there.

MR. STROBEL: They were referring to an existing Exhibit. It is part of the Application Material.

MR. MARSHALL: It is not 3 feet in from the property line along New Albany Road, it is 3 feet in from the sidewalk. The 6, foot fence would end approximately 10 feet from the rear corner where the Schonfeld's driveway comes out to meet the sidewalk.

MR. BEDNAREK: That is correct.

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

A MOTION IS MADE BY MR. HARE seconded by Mrs. McStravick to approve a 6 foot PVC fence with a front yard setback of 2 feet where 20 feet is required. 3 feet from the sidewalk along the New Albany Road side of the house coming off the corner of the screened in porch 3 feet from sidewalk going down the property down Albany Road to 10 feet from the back of the property line. The fence has one section of 6 foot high PVC along the back and then it converts to a chain link fence matching the height of the existing chain link fence on the far side of the property. The chain link fence is 4 foot high. Standard conditions. Fence goes to the corner of the rear of house. There is a gate where the existing walkway is in the PVC fence. ROLL CALL VOTE: Mr. Conway, Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, and Chairman Bednarek, NAY, Mr. Devlin, motion passes.

MR. BEDNAREK: Case #20-8-1– Christopher and Karen Devone – Use Variance – 301 Lilac Lane – Block 2312, Lot 1.

MR. ETTENSON: Attorney for Christopher and Karen Devone. They are here for a use variance for 301 Lilac Lane. It is a D Variance. The request is to use house as residence. It is zoned in the BD Zone. That is the reason we need a use variance.

MR. STROBEL: He swears in Christopher and Karen Devone.

MR. DEVONE: He owns 301 Lilac Lane. The property is in the BD Zone. It was initially built as a residence home. Then it was converted into a dentist office. They bought it when it was a dentist office. We cleaned the building out and made it usable for us to have as a commercial business office. They are trying to sell the house. It has appeal for residential applications. It is under contract to sell as residence. The Buyers want to use the property as a residence.

MR. BEDNAREK: If this is switched to a residence, will this property no longer be in the BD Zone or will it always be in the BD Zone?

MR. MARSHALL: It will physically remain in the BD Zone, but will be used for residential purposes.

MR. MARSHALL: When this development was first developed in the 1960's, this property was constructed as a single family dwelling. Behind the residence is the Main Line Shopping Center.

A photograph of the property was shown to the Board.

The Applicant and Mr. Ettenson discussed the surrounding properties.

MR. ETTENSTON: This structure is really part of a residential neighborhood. Is that right?

MR. DEVONE: Yes. This use is particularly fitted for this particular location.

MR. HARE: If we grant this variance for a single family dwelling in the BD Zone, will it be allowed to go back to be doctor's office as some point or would they have to come back and get the variance switched?

MR. MARSHALL: Since it remains in the BD Zone, it always have the potential to be converted back into a commercial building for a use that is permitted in the BD Zone. As a residential dwelling, it could even have an in home office in it like any residential property has in a residential zone.

MR. HARE: Would they have to come back before us since it is in the BD Zone?

MR. HARE: They would have to go in front of the Planning Board for a site plan approval depending on what the proposed use is intended to be.

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

MR. STROBEL: He swears in Luis Riviera.

MR. RIVIERA: He is the contract purchaser of the property. He is looking forward to moving into the home.

MR. MARSHALL: Is it your testimony that you will not be operating any type of business in this home and it will still be strictly be a residential dwelling as you occupy it?

MR. RIVIERA: Yes.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to approve the proposed use variance for a single family dwelling where is not permitted in a BD Zone. ROLL CALL VOTE: Mr. Conway, Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, Mr. Devlin and Chairman Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #20-8-4 – Anthony’s Management Services, Inc. – Use Variance – 2703 Broad Street – Block 201, Lot 8.

MR. ETTENSON: Attorney for Anthony’s Management Services, Inc. This application is for a use variance which is a D Variance. The property is in the light industrial zone. The applicant wants to use the property for the sale of forklifts and heavy equipment repair which is typically not permitted in the light industrial zone. This is the Aqua Products site.

MR. STROBEL: He swears in Bryan Anthony.

MR. ANTHONY: He owns Anthony’s Management Services, Inc. He is currently in Edgewater Park. He wants to move to Cinnaminson. Aqua Products owns the property. We have forklifts that we repair. Most of their work is done out on the road. We have service vans that service the forklifts at the customer’s facility. They sell and recondition forklifts. We bring them back to the shop to repair. They sell parts. They do booms, machinery and backhoes. They have 11 employees. All of the employees are normally out on the road. There would be about 4 cars in the parking lot. There will be approximately 4 employees in the building during the day. There is sufficient parking. People can buy forklifts.

The deliveries are currently by lift gate service. That is why we are trying to upgrade to make it easier to unload on a loading dock. All work is done inside the facility. They want to move to Cinnaminson and expand. They are a growing company.

MR ETTENSON: The property is located in the light industrial area. What Mr. Anthony wants to do fits in this area. It enables him to grow a business.

MR. ANTHONY: He describes the Exhibits.

Exhibit A-1 – Side of the Property

Exhibit A-2 – Front of the building

MR. MARSHALL: There are two buildings. One building is Aqua Products and a second building – It should be noted that many years ago this was actually the Industrial Zone. These two buildings were used as tractor truck repair and sales.

MR. ANTHONY: Exhibit A-3 – Photograph of Building that he is not purchasing.

MR. MARSHALL: These two buildings were one entity at one time.

MR. ANTHONY: Exhibit A-4 – Front of the building that he is purchasing.

MR. ANTHONY: My business will not change.

MR. BEDNAREK: He asked about the frequency of the tractor trailers.

MR. ANTHONY: 1 or 2 pallets a week. UPS deliveries. The employees have a van and they bring the van home with them. No vehicles parked on the premises overnight. The parking lot should be empty.

MR. HARE: He asked about the storage.

MR. ANTHONY: No forklifts outside the building.

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. HARE seconded by Mrs. McStravick to grant a use variance to allow repair and sale of forklifts and associated type of industrial equipment. Standard conditions. Exclude outside storage. ROLL CALL VOTE: Mr. Conway, Mrs. Galosi, Mr. Hare, Mrs. McStravick, Mr. Trampe, and Chairman Bednarek, NAY, Mr. Devlin, motion passes.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to approve the Resolution for Case #20 -7-1 – Derek P. Mead – 2209 Berwick Drive, Block 3403.03, Lot 3 – 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 Mr. Trampe, no opposed, motion passes.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to approve the Resolution for Case #20-7-2 – Wal-Mart Real Estate Business Trust - 2521 Route 130 South, Block 804, Lot 9 – Conditionally granting bulk variance to construct four (4) additional façade signs on existing Sam’s Club fuel station canopy where maximum of one (1) is permitted. VOICE VOTE: ALL AYE, Abstain Mrs. McStravick and Mr. Trampe, no opposed, motion passes.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to approve the Resolution for Case #20-7-3 – Robert D. Harris, Jr. - 2303 Lenola Road, Block 2001, Lot 6.04 – Conditionally granting bulk variance to construct carport leaving nine (9) foot side yard setback where fifteen (15) is minimum required. VOICE VOTE: ALL AYE, Abstain Mrs. McStravick and Mr. Trampe, no opposed, motion passes.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to approve the Resolution for Case #20-7-4 – Christa Speck and Thoralf Mikkelsen – 728 South Warrington Avenue, Block 425, Lots 7 and 8 – Conditionally granting bulk variances to construct accessory garage comprising of 1,120 square feet where maximum of 864 is permitted, reaching height of eighteen (18) feet where seventeen (17) is maximum permitted, and leaving fourteen (14) foot front yard setback where fifteen (15) is minimum required. VOICE VOTE: ALL AYE, Abstain Mrs. McStravick and Mr. Trampe, no opposed, motion passes.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to approve the Resolution for Case #20-7-6 – AT Wireless Inc. - 1253 Route 130 South, Block 1004, Lot 31- Conditionally granting bulk variance to construct second façade sign where maximum of one (1) is permitted. VOICE VOTE: ALL AYE, Abstain Mrs. McStravick and Mr. Trampe, no opposed, motion passes.

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

The July 1, 2020 Regular Meeting Minutes will be on the next meeting Agenda.

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 Mrs. McStravick to adjourn the meeting. The meeting is adjourned. VOICE VOTE: ALL AYE, no opposed, motion passes.

Duly passed and adopted

Respectfully submitted,

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Patricia Rucci