

CINNAMINSON TOWNSHIP  
PLANNING BOARD  
MEETING  
October 27, 2020

MR. BEDNAREK: In accordance with Section V of the Open Public Meetings Act, Chapter 231, Public Law 1975, notice of this meeting was posted on the Township bulletin board and by advertising this Regular Meeting in the Burlington County Times on January 19, 2020, and in the Courier Post on January 18, 2020 and by advertising this Regular Meeting in the Burlington County Times on Tuesday, October 20, 2020 and in the Courier Post on Tuesday, October 20, 2020. In addition, notice was filed with the Municipal Clerk.

Zoom Meeting ID: 923 868 6246

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.

Members Present: – Mr. Bednarek, Ms. Birbeck, Mr. Jones, Ms. Lamon, Mr. Marshall, Ms. O'Malley and Mr. Maradonna.

Also Present: Mrs. Rucci, Board Secretary, Douglas Heinold, Board Attorney and Paul LaPierre, Board Engineer.

MR. BEDNAREK: Case #2004 – Bajwa Enterprises, LLC – Preliminary and Final Major Site Plan and Bulk Variance– 2601 US Route 130, Block 702, Lots 23 and 24 – This application was noticed for the Planning Board Meeting tonight. This application will not be heard tonight. This application is scheduled for the November 10, 2020 Planning Board Zoom Meeting at 6:30 p.m. with no further notice required.

Case #1906 – Fieldstone Partners, LLC, 1203 Garfield Ave., Block 1607, Lot 4 – Request for Extension of subdivision approval.

MR. EHRHARDT: He submitted a letter to the Board on October 8, 2020. It was close to the Planning Board Meeting so we agreed to appear at the Planning Board Meeting tonight. He referred to emails between the Applicant and the Township regarding the storm drainage. The Applicant is asking for additional time.

MR. HEINOLD: Due to the COVID situation, on July 1, 2020 the Governor signed another Permit Extension Act. From the end of the Health Crisis (as determined by the Governor) plus six months, all approvals are stayed and protected in that that period. We previously heard and granted an extension for this application for nine months to October 15, 2020.

MR. EHRHARDT: He is asking for the extension to be from the end of the Health Crisis (to be determined by the Governor) plus six months.

MR. HEINOLD: The approval is already covered by the Act.

The Board had no issues with the Applicant abiding by whatever the Permit Extension Act gives them. If the Applicant is not completed in that time, the Applicant will need to reappear before the Planning Board.

MR. HEINOLD: He swears in Mike Goins.

MR. GOINS: He spoke about the documents he submitted. He spoke about talking to the Township regarding the drainage. He also spoke to the DEP. He spoke about the drainage. He referred to his Exhibits and the Timeline. He presented and described the Timeline to the Board. He spoke about his October 15, 2020 email to the DEP. He reviewed his comments to the Board. He thinks that no Extension should be granted to Fieldstone.

MR. EHRHARDT: I personally submitted the Permit Extension Act Request. I have been in contact with Mr. Spohn. I haven't heard from Mr. Goins during the process. Mr. Goins is welcome to contact me. The Applicant thought it would be best to approach this with the Township.

MR. HEINOLD: We granted approval on this application after a public hearing. That application had an appeal period associated with it. No appeal was taken. We had an Extension Request that occurred in March of this year. No appeal was taken from that approval. On July 1<sup>st</sup> the Permit Extension Act extends their window of approval. The applicant is asking that this window be recognized as matching the Permit Extension Act.

With the Permit Extension Act, it will be covered. Under the Permanent Extension Act, they get until the end of the Health Emergency, plus six months.

MR. GOINS: The Board did not offer Public comment when this was passed. After talking to OLS, I found out that there is an appeal period which I did not know.

MR. HEINOLD: That is understandable. Extensions are routinely granted. We try to engage the public. It is not required under law that this be opened for Public comment.

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

A MOTION IS MADE BY MS. LAMON seconded by Mr. Jones to extend the Application according to the Permit Extension Act which is to the end of the Health Emergency, plus six months. ROLL CALL VOTE: AYE, Ms. Birbeck, Mr. Jones, Mr. Jones, Ms. Lamon, Mr. Bednarek, Abstain, Mr. Marshall and Mr. Maradonna, no opposed, motion passes.

Ms. O'Malley arrived at the Meeting at 7:02 p.m.

MR. BEDNAREK: Case #2007 – 1 Sea Box Drive, LLC – Minor Subdivision – Block 702, Lots 37 and 39.

MR. GILLESPIE: Attorney for 1 Sea Box Drive, LLC. We can hear the applications jointly. Block 702 Lots 37 and 39 – We are asking for completeness only. We are asking for completeness and approval on Block 610, Lots 1 and 2.02.

MR. HEINOLD: He swears in Robert Stout.

MR. STOUT: His office prepared the Minor Subdivision Plans. He reviewed Mr. LaPierre's report for completeness on both applications.

MR. GILLESPIE: He referred to both review letters. He is not aware of any Deed restrictions so there is no testimony to offer.

MR. STOUT: This is a land swap between neighbors in order for us to finalize the Sea Box expansion which is currently under review by Paul LaPierre's office. He reviewed Paul LaPierre's letter for completeness.

A MOTION IS MADE BY MS. LAMON seconded by Ms. O'Malley to deem both applications complete (Case #2007 and Case #2008). ROLL CALL VOTE: AYE, Ms. Birbeck, Mr. Jones, Ms. Lamon, Mr. Marshall, Ms. O'Malley, Mr. Maradonna and Mr. Bednarek, no opposed, motion passes.

MR. GILLESPIE: He asked if Case #2007 1 Sea Box Drive can be placed on the November 10, 2020 Planning Board Agenda – Block 702, Lots 37 and 39. He wanted to notice the variance in the newspaper.

MRS. RUCCI: She will schedule Case #2007 – 1 Sea Box Drive, LLC – Minor Subdivision – Block 702, Lots 37 and 39 on the November 10, 2020 Agenda.

MR. GILLESPIE: Case #2008 Block 610, Lots 1 and 2.02.

MR. STOUT: He had no comments regarding Mr. LaPierre's review letter.

MR. GILLESPIE: This is a swap between two properties.

MR. STOUT: He showed the Board what they were proposing to swap. It is simply just an adjustment to accommodate the future Sea Box Expansion.

Colorized Version of Subdivision - The area in yellow is Lot 2.02 – that is the Sea Box Parcel – below that is outlined in pink is Chick's Towing. That is the secondary lot. They are both part of the subdivision for the front piece. The blue line is the subdivision. The area in yellow is what we are swapping. They are carving the corner piece off of the Chick's Towing property and adding it to the Sea Box property. That is part of the Sea Box application.

A member from the public asked where Land Street was.

MR. MARSHALL AND MR. STOUT: They advised her where Land Street was.

MS. BLACKWELL: Thank you for allowing me to listen in. She spoke about traffic and wanted to know if a light could be installed in the Street.

A MOTION IS MADE BY MS. LAMON seconded by Ms. Birbeck to approve the lot line swap - Minor Subdivision for Case #2008 Block 610, Lots 1 and 2.02 - ROLL CALL VOTE: AYE, Ms. Birbeck, Mr. Jones, Ms. Lamon, Mr. Marshall, Ms. O'Malley, Mr. Maradonna and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Ordinance Discussion – Ordinance 2020-12 – An Ordinance Amending Chapter 525 of the Code of the Township of Cinnaminson Entitled “Zoning” (IR-Inclusionary Residential District).

MR. MARSHALL: He gave the Board an overview of Ordinance 2020-12. He spoke about Inclusionary Housing.

MR. HEINOLD: This is Master Plan Consistency. The Board has to review and advise whether they find the revisions to be substantially consistent with the Master Plan.

MR. MARSHALL: Is Inclusionary Housing mentioned in the Master Plan?

MR. HEINOLD: It is part of Master Plan in the Housing Element.

The Board reviewed and discussed Ordinance 2020-12 and agreed that it is not inconsistent with the Master Plan.

A MOTION IS MADE BY MR. MARSHALL seconded by Ms. O'Malley to accept that the increased density for the Inclusionary Residential District is not inconsistent with the Master Plan. ROLL CALL VOTE: AYE, Ms. Birbeck, Mr. Jones, Ms. Lamon, Mr. Marshall, Ms. O'Malley, Mr. Maradonna and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MR. MARSHALL seconded by Ms. O'Malley to approve the Resolution for Case # 2005 - Resolution of the Planning Board of the Township of Cinnaminson granting Minor Subdivision Approval to Cinnaminson Plaza - Lakshminarayan, LLC, 2604 Route 130 North and 2099 New Albany Road, Block 2701, Lot 45. ROLL CALL VOTE: ROLL CALL VOTE: AYE, Ms. Birbeck, Mr. Jones, Ms. Lamon, Mr. Marshall, Ms. O'Malley, Mr. Maradonna and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MS. LAMON seconded by Ms. O'Malley to approve the Resolution of the Planning Board of the Township of Cinnaminson on Referral of Ordinance Governing “Interim Zoning” Due to Pandemic in Accord with the Municipal Land Use Law. ROLL CALL VOTE: ROLL CALL VOTE: AYE, Ms. Birbeck, Mr. Jones, Ms. Lamon, Ms. O'Malley, Mr. Maradonna and Mr. Bednarek, Abstain, Mr. Marshall, no opposed, motion passes.

A MOTION IS MADE BY MS. LAMON seconded by Ms. O'Malley to approve the Resolution of the Planning Board of the Township of Cinnaminson Recommending the Adoption of the Redevelopment Plan (Lidl/Friendly's/Westrum Area) Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, ET SEQ. ROLL CALL VOTE: ROLL CALL VOTE: AYE, Ms. Birbeck, Mr. Jones, Ms. Lamon, Mr. Marshall, Ms. O'Malley, Mr. Maradonna and Mr. Bednarek, Abstain, Mr. Marshall, no opposed, motion passes.

A MOTION IS MADE BY MS. LAMON seconded by Mr. Jones to approve the October 13, 2020 Regular Meeting Minutes. VOICE VOTE: ALL AYE, no opposed Abstained, Ms. O'Malley, motion passes.

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

MR. YOUNG: He spoke about Affordable Housing.

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

The Board spoke about applications in the pipeline.

A MOTION IS MADE BY MR. Marshall, seconded by Ms. Lamon to adjourn the meeting. VOICE VOTE: ALL AYE, no opposed, motion passes. The meeting is adjourned.

Duly passed and Adopted

Respectfully submitted

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Patricia Rucci