

**CINNAMINSON TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
December 2, 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 December 2 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.

PLEASE NOTE: Agenda is subject to change

Zoom Meeting ID: 923 868 6246

Password: 203375

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The Regular Zoom Meeting of the Zoning Board being held December 2, 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 November 18, 2020 and in the Courier Post on November 19, 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, Mrs. McStravick, Mr. Trampe, Mr. Sell and Mr. Devlin.

Also Present: Mr. Strobel, Board Attorney, Hugh Dougherty, Board Engineer and Patricia Rucci, Secretary.

MR. BEDNAREK: Eileen McStravick is resigning from the Zoning Board. Eileen has been on the Zoning Board since 1997. Karen Wolaniuk resigned from the Zoning Board. She was a Zoning Board Member since 1999. He thanked Eileen McStravick and Karen Wolaniuk for their service to the Zoning Board.

MR. STROBEL: He thanked Eileen McStravick for her service to the Zoning Board. When he sees Karen Wolaniuk, he will thank her for her service to the Zoning Board.

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 # 20-11-1 - Jiffy Lube International, LLC - Use Variance and Preliminary and Final Site Plan – 1206 Route 130, Block 2302, Lot 5.

The Chairman was waiting for a Board Member to join the meeting. In the meantime, the Board decided to start with Administrative items on the Agenda.

A MOTION IS MADE BY MRS. MCSTRAVICK seconded by Mrs. Galosi to approve the Resolution for Case #20-11-2 – MJ Real Estate Investments II, LLC – 316 O’Donnell Lane, Block 3504, Lot 6.01- Conditionally granting use variance to permit two-family residence. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mrs. McStravick, Mr. Trampe, Mr. Sell and Mr. Bednarek, Abstain, Mr. Devlin, no opposed, motion passes.

A MOTION IS MADE BY MRS. MCSTRAVICK seconded by Mrs. Galosi to approve the Resolution for Case #20-11-3 – Martin and Susan Rosica – 606 Overlook Road, Block 1203, Lot 1 - Conditionally granting bulk variance to construct accessory garage leaving five (5) foot front yard setback where seventy-five (75) is minimum required, and having twenty-two (22) foot peak height where seventeen (17) is maximum permitted. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mrs. McStravick, Mr. Trampe, and Mr. Bednarek, Abstain, Mr. Sell and Mr. Devlin, no opposed, motion passes.

MR. BEDNAREK: Case # 20-11-1 - Jiffy Lube International, LLC - Use Variance and Preliminary and Final Site Plan – 1206 Route 130, Block 2302, Lot 5.

MR. BARONOWSKI: The property is located at 1206 Route 130 at Willow Drive. They are seeking a D Variance relief along with Preliminary and Final Site Plan approval for the development of a Jiffy Lube facility along with associated C Variance relief for parking, signage, setbacks, specifically to locate a trash enclosure within a setback area and some requested design

waivers. The site previously received approvals for a small retail center and fast food restaurant with a drive through back in 2014. The site was never constructed. The site has been vacant for some time. It is well suited to the site. It is lower impact to what was previously approved for the site. This building may be the first of its kind developed in New Jersey. We received the November 3, 2020 review letter from Mr. Dougherty of Pennoni Associates. We responded by letter dated November 20, 2020 along with submission of revised plans. Pennoni Associates issued an updated review letter dated December 1, 2020. I spoke to Mr. Dougherty. It is my understanding that our response letter and updated plans have generally addressed Mr. Dougherty's comments except for providing testimony on a few issues including confirmation of stormwater management issues and working with Mr. Dougherty on landscaping and the trash enclosure design.

MR. STROBEL: He swears in Tim Kratz – Applicant's Engineer.

MR. KRATZ: He is a registered Engineer in the State of New Jersey. Engineer for the Applicant. This is one of Jiffy Lubes first Capital investments they made in the past twenty years. He is testifying as the Engineer and on Jiffy Lubes behalf on the operations of the site. Exhibit A-1 – Aerial Image – He identified Route 130 and Willow Drive and the surrounding properties.

They received the December 1, 2020 Pennoni review letter. We will work with the Engineer. We have to maintain the stormwater on the side. We will work with the Engineer and meet the comments.

MR. BARONOWSKI: With regard to the request for submission, will we agree to submit all of the requested information called out under the completeness review as a condition of approval.

MR. KRATZ: We agree.

MR. KRATZ: Jiffy Lube has 2,200 franchise locations across the Country. They will have one franchisee that is operating all of these locations across the Country. He referred to the Site Plan – They are proposing two approaches – One on Highway 130 and one on Willow Drive. There is a full drive aisle around the building. Customers can enter from Willow Drive or Burlington Pike. They can park their car in the rear of the building. An employee would pull the car into the bay. It is intended to be a simple design. The hours of operation are 7:00 AM to 8:00 PM – Seven days a week. There are 4 to 6 employees per shift. One employee will be the manager. This is a multi-care Jiffy Lube. Customers would spend 30 minutes to 2 hours on the site. He described the services that would be provided. It is car maintenance as opposed to car repair. The vehicles served here are passenger vehicles, light duty trucks, maybe a 350 (inaudible) vehicle, not commercial vans or other large vehicles. It is directed towards the passenger vehicle. They had a traffic study completed. They estimate that this site would generate 19 total trips in the peak hour. Jiffy Lube expects 50 to 60 cars per day. It is not a huge traffic generator. No overnight parking. Due to COVID, you can schedule appointments. You will have a commercial van or larger truck make deliveries. You can see there is sidewalk. As per the Engineer's recommendations, they will use stamped concrete to improve the appearance of the walks along US Route 130 and Willow Drive. Landscaping along the frontage, the sides of the building and around the parking.

You have your retention pond to the south and additional landscaping along the existing access drive that serves the shopping development to the west. We have space to have a drive lane all the way around the building.

Parking – We are asking for a variance for 14 spaces instead of 18 which is required.

We feel that 14 spaces is more than enough to meet our needs. There will be 4 to 6 employees per shift.

MR. BARONOWSKI: We would agree to work with Pennoni to enhance any landscaping package.

MR. KRATZ: We do agree.

MR. BARONOWSKI: Can you address if there is any outdoor storage?

MR. KRATZ: No outside storage proposed. He referred to the trash enclosure plan. He spoke about disposal. We have used filter drums. The drums will be sealed and adding the roof over that area would enhance that protection. The trash is picked up by a private company. Batteries, tires and things of that nature would be used and replaced in the same location. The used oil is collected in the basement of the building. He identified the customer areas, offices and the four service bays. Under the first two bays there is a basement. Those cars are serviced there from the basement. In the basement, they have above ground storage tanks for the new oil and used oil.

He described how the used oil is disposed of. No floor drains in the basements. The only drains are in mop sinks. He spoke about the Oil/Water Separator. The Oil/Water Separator is inspected.

There are bay doors in the front and in the rear. In the summertime they can work with the doors open. Jiffy Lube's air compressor is stored in the basement to minimize noise. They want this to be a customer friendly area. There are no speakers or sound systems. He spoke about the landscape area and the installation of Evergreen Trees to provide screening.

He identified where the landscaping will be installed.

Site Lighting – Exterior lights proposed at the parking and drive aisle and trash enclosure. He identified the lighting area. Our night time work is minimal. The walkways will be stamped concrete.

MR. KRATZ: Architectural – Very nice looking Bay Doors. Proposing Variance for sign package. Jiffy Lube and Pennzoil sign on front side of the building. Sign on side of Willow Drive side. He referred to the Site Plan and identified the front and side of the building.

MR. DEVLIN: On the side of the building, is that designed for two-way traffic?

MR. KRATZ: Yes. We do have a full driveway all the way around the building.

MR. BEDNAREK: Is the retention pond existing or new?

MR. KRATZ: It is a proposed basin.

MR. DEVLIN: Are there any retail operations inside the building?

MR. STROBEL: He swears in Claire Gilroy – Construction Project Manager for Jiffy Lube International.

MS. GILROY: No retail offerings within the lobby space.

MR. STROBEL: He swears in Mr. Schmitt.

MR. SCHMITT: Architect for the Applicant. He referred to the Architectural Plan. He described the Plan to the Board.

Jiffy Lube used design standards provided by the Township. We used a dual color brick material and stone. He described the materials that they will use for the building. The roof will be a flat roof. They provided Entry canopies over the doors. The whole building is wood construction.

MR. MILLER: Planner for the Applicant. He is a licensed Planner in the State of New Jersey and his Certification for with the American Institute for Certified Planners is current. He referred to the Aerial Photo. The area along Route 130 where you see the non-residential uses except for Sweetwater Development are in the Zoned BD District. The Sweetwater Development is zoned BD, but is a residential opposed to a non-residential development. The Single Family units to the south of the side are all zoned R-3 which is a Single Family Detached Zone. We require a D-1 Variance because this is use which is not otherwise permitted within the BD District. We also have a series of C Variances they include a paved area within ten feet of a residential area where the minimum setback is 40 feet. Additional plantings will occur within the ten-foot strip. That is an existing condition that is due to the location of the access drive that runs between Willow Drive and the shopping center to the west.

We are asking for relief to allow for 14 spaces where the Code requires 18.

Sign –The maximum height is 4 feet for a monument sign not including the base. We are asking for 5 feet 11 inches not including the base. The width of the sign is conforming and is significantly less than the ten feet that is permitted. We are asking for relief for the sign to have a setback of 7 ½ feet from Route 130 where the minimum is 15 feet. The relief for façade signs on the structure. He reviewed the Positive and Negative Criteria. He referred to Purpose A and Purpose G. I believe it is an appropriate use of the property.

The site itself is surrounded by compatible uses. He described the surrounding area. The Jiffy Lube is a commercial use and is compatible with the surrounding commercial uses and would be a good fit with the established land use patterns in this segment of the Route 130 Corridor.

This type of use is the only kind of use found appropriate for a small lot within the Business Development Zone. It was formally occupied as a gas station.

The lot is large enough to accommodate the use we are proposing. It has ample space for parking required, drainage basin and landscaping.

He believes the C-Variances will have no adverse impacts on the property. The rear of the property is going to be heavily landscaped.

I believe the parking variance is Minor. There is no need for customers to park overnight. Most of the parking is required for the employees. He believes the parking is more than adequate.

Sign Variances – He doesn't see any detrimental impact with the proposed monument sign.

The signs on the building blend in well. The signs that identified the Jiffy Lube brand on the two sides provide the identification that is necessary. The Pennzoil sign identifies a unique product. The balance of the signs are basically functional signs.

I believe the site allows the appropriate use of the site.

This development will also provide for the adaptive re-use for the site.

I believe the relief we are seeking satisfies the Positive Criteria.

He spoke about the Positive and Negative Criteria.

It will be fully compatible with the Diner. He believes it will help the shopping center. It is a less intense use than the prior use. Overall, I think the use is a perfect use for the site. I believe it also satisfies the Negative Criteria and merits the Board's approval.

MR. DOUGHERTY: Zoning Board Engineer – He advised that Pennoni prepared two letters. The applicant revised the plans and had another submittal. He referred to his December 1, 2020 letter. The Easement will need to be expunged and the drive way has to be described in a legal manner so that becomes access to the adjacent property. The applicant is not using that Easement area. The existing Easement through middle of the property that needs to be expunged.

Page #5 – Item #7 - The Applicant's Engineer addressed. The Applicant's Engineer will work with us with the additional landscaping adjacent to the monument sign and behind the trash enclosure up against the residential neighborhood. Under General, I brought up the 30-foot wide right of way that area needs to be vacated in order for the Application to proceed.

MR. BARONOWSKI: Monitoring wells that are present on the site. There is a CEA established for the site. The original owner/operator of the site – Getty or its successor entity they have ongoing monitoring well responsibilities. They have continuing obligation that they have and continue to meet. With regard to the 30-foot wide right of way, that has been there for over 30 years. We would agree to clean that up as a condition of approval.

MR. DOUGHERTY: That has to be a condition of approval prior to moving forward with construction.

MR. KRATZ: The trash enclosure is set up so they can operationally do a recycling bin. Jiffy Lube recycles their waste oil.

The Applicant's Professionals and the Zoning Board Engineer discussed the recycling.

MR. KRATZ: Page #6 – They will comply with the nine items.

MR. KRATZ: Jiffy Lube can provide Rodent Infestation Prevention as needed basis.

MR. DOUGHERTY: That is everything in my letter.

MR. TRAMPE: He asked about the parking.

MR. KRATZ: We don't anticipate needing much parking for customers.

MR. BEDNAREK: All services on cars will be inside the building?

MR. KRATZ: That is correct.

MR. MARSHALL: He expressed concern about the drum being exposed. Is the slope roof over that area?

MR. KRATZ: We added a metal roof to that area to keep those covered. They are sealed.

MR. MARSHALL: Are there any tire services, mufflers or exhaust pipes or is it strictly oil changes?

MR. KRATZ: They do offer tire rotation and minor repairs. I don't believe mufflers are an option.

MS. GILROY: Services offered may vary from Jiffy Lube to Jiffy Lube – She doesn't anticipate No mufflers.

MR. MARSHALL: Any parts or recyclable things will be stored back in dumpster area within that enclosure under the roof area.

MS. GILROY: That is correct.

MR. BEDNAREK: Is it a tire store as well?

MS. GILROY: We do offer tires and tire services. Tires will be stored on site.

MR. SCHMITT: Tires are for display purposes. They don't stock hundreds of them. Maybe 2 racks of them. All tires are stored in doors. They have racks in side.

MR. BEDNAREK: Are all tires that have been removed stored indoors?

MR. KRATZ: That is correct.

MR. BEDNAREK: We want to be consistent with the testimony that there is no outside storage. Everything will be in an enclosure.

MR. KRATZ: That is correct.

MR. MARSHALL: Are you putting in a basement?

MR. SCHMITT: We have a service pit area. It is a poured concrete enclosure, four walls and concrete floor. It can be considered a basement, but primarily it is their oil storage and service access bay.

MR. MARSHALL: Are there lifts?

MR. SCHMITT: There are lifts.

MR. MARSHALL: He asked about cleaning the floors

MR. SCHMITT: The floors are a smooth finish with an (inaudible) sealer. He described their procedure. All oil is caught in a recovery basin. The procedure is to mop.

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

MR. STROBEL: He swears in Mr. Edward Zoltek.

MR. ZOLTEK: Will the building be elevated? He expressed concern about the noise. Will trees be tall to block the noise?

MR. BARONOWSKI: We are adding bushes to help with the sound.

MR. ZOLTEK: He asked about the retention pond. Would that hold water? Is there an overflow drain.? He asked about fencing.

MR. KRATZ: It will be designed to have an outlet onto Willow Drive. That outlet would release runoff at a lesser rate that is less than now. The basin will be designed to infiltrate a 100-year storm within the basin itself. It is double protected from causing adverse conditions down stream. That pond would exist dry.

MR. BARONOWSKI: Since it is not designed to hold water, there will be no fence around it. There will be landscaping. Is that correct?

MR. KRATZ: Correct.

MR. DOUGHERTY: It is discharging underground into a catch basin, into a pipe, into the drainage system on Willow Drive.

MS. PETERS: She asked about the water basin. How deep is it? When it fills with water, does it go into a pipe on Willow Drive?

MR. BARONOWSKI: I can have Mr. Kratz answer that. It doesn't go into the street it goes into a basin that runs under the street.

MR. KRATZ: The basin itself from the residential side is not overly deep. He spoke about the elevation. The water level in the pond itself will only be 4 to 5 feet in the (inaudible). It is deeper going up towards the Jiffy Lube Site but it is in a one to four slope. The pond will drain into Willow Drive. There is an inlet in Willow Drive that the pond will drain into. The pond will be dry in non-rain conditions.

MS. PETERS: Her initial concern was water going into her basement.

MR. BEDNAREK: I think the testimony was it is going into a conduit that is already existing under the road.

MS. PETERS: She asked about the setback of 10 feet instead of 40.

MR. BERNARD: We are not proposing to put it there. It already exists. We are not putting a paved area closer to your house.

MR. BARONOWSKI: That existing condition does not comply.

MS. PETERS: Who maintains trees and landscaping?

MR. KRATZ: It will be through a Company hired by the Franchise Operator.

MR. BEDNAREK: What type of plant?

MR. KRATZ: Evergreen plants 6 to 7 foot in height at planting. Mature height for screening.

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

A MOTION IS MADE BY MRS. MCSTRAVICK seconded by Mrs. Galosi to approve the D1 Use Variance with the condition that the Applicant receives Site Plan Approval. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mrs. McStravick, Mr. Trampe, Mr. Sell, Mr. Devlin and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE MRS. MCSTRAVICK seconded by Mr. Sell to deem the Preliminary and Final Site Plan complete as per the Engineer's Review letter of December 1, 2020. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mrs. McStravick, Mr. Trampe, Mr. Sell, Mr. Devlin and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE MRS. MCSTRAVICK seconded by Mrs. Galosi to approve the Bulk Variances for trash enclosure has to be located 5 to 10 feet from the property line where 20 feet from the property line is required, the existing condition for paved area in the rear is located 10 feet from the property line where 40 feet is required. That is an existing driveway behind the property. The variance for 14 parking spaces where 18 parking spaces is required, one monument sign with a length of 6 foot 3 inches and height of 5 feet 11 inches not including a 2-foot base where a sign of 12 feet long and 3 feet high or 4 feet long and 10 feet high is permitted not including a 2-foot base. Allowing the monument sign to be located 7 foot 6 inches from the right of way line where 15 feet from right of way line is permitted and to allow six wall signs where one is permitted. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mrs. McStravick, Mr. Trampe, Mr. Sell, Mr. Devlin and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE MRS. MCSTRAVICK seconded by Mrs. Galosi to approve the Preliminary and Final Site Plan Approval in accordance with the Zoning Board Engineer's

review letter. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mrs. McStravick, Mr. Trampe, Mr. Sell, Mr. Devlin and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MRS. MCSTRAVICK seconded by Mrs. Galosi to approve the vouchers for Richard Strobel noted on the Agenda. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. MCSTRAVICK seconded by Mrs. Galosi to approve the voucher for Pennoni Associates noted on the Agenda. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. MCSTRAVICK seconded by Mrs. Galosi to approve the voucher for the Cinnaminson Fire District noted on the Agenda. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. MCSTRAVICK seconded by Mrs. Galosi to approve the Regular Meeting Minutes of November 4, 2020. VOICE VOTE: ALL AYE, Abstain, Mr. Devlin, no opposed, motion passes.

A MOTION IS MADE BY MRS. MCSTRAVICK seconded by Mrs. Galosi to approve the Resolution for Case#20-11-4 – Thomas G. Sheker – Bulk Variance – 2302 Derby Drive, Block 3402.01, Lot 10. Conditionally granting bulk variance to construct front porch addition leaving 37.5 foot front yard setback where forty (40) is minimum required. ROLL CALL VOTE: AYE, Mr. Conway, Mrs. Galosi, Mrs. McStravick, Mr. Trampe, Mr. Sell, and Mr. Bednarek, Abstain, Mr. Devlin, 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