

CINNAMINSON TOWNSHIP
PLANNING BOARD
MEETING
March 9, 2021

MR. O'CONNOR: 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 Website and by advertising this Regular Meeting in the Burlington County Times on January 15, 2021 and in the Courier Post on January 16, 2021. 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. Jones, Mrs. Kravil, Ms. Lamon, Mr. McGill, Mr. Minton, Mr. O'Connor, Mr. Maradonna and Mr. Snyder.

Also Present: Mrs. Rucci, Board Secretary, Douglas Heinold, Board Attorney and Michael Angelastro, Board Engineer.

MR. O'CONNOR: It is the policy of the Board that no application will be opened after 10:00 p.m. It is the policy of the Board that no new testimony will be taken after 10:30 p.m.

MR. O'CONNOR: Case #2101 – MJ Real Estate Investments II, LLC – Minor Subdivision – 314A-314B O'Donnell Lane, Block 3404, Lots 6.03 and 6.05.

MR. ANGELASTRO: He referred to his February 19, 2021 review letter. There were a couple outstanding issues regarding completeness. The Applicant's attorney provided information for the issues and they will provide the items listed in my report except for Item #27. They are requesting a waiver for Item #27. He feels the Board can consider the waiver for Item #27. The Board can consider the application complete.

A MOTION IS MADE BY MR. MINTON seconded by Ms. Lamon to deem the application complete including the waiver of Item #27. ROLL CALL VOTE: AYE, Mr. Jones, Mrs. Kravil, Ms. Lamon, Mr. McGill, Mr. Minton, Mr. Maradonna, Mr. Snyder and Mr. O'Connor, no opposed motion passes.

MR. O'BRIAN: Attorney for MJ Real Estate Investments II, LLC. The Applicant owns three or four lots. In 2014, the Applicant submitted an application consisting of all of the Blocks and Lots that they owned. The Applicant received Preliminary and Final Major Subdivision approval consisting of a 12 lot Subdivision that included 11 building lots and a storm water basin. Over the years, those approvals were extended by the Planning Board. In November, 2020 the Applicant received use variance approval from the Zoning Board. The use variance approval was for the conversion of an existing commercial building on one of the lots which is not part of either of the applications tonight. The use variance was

to convert the structure into a two family residence. We have two subdivisions applications this evening.

MR. HEINOLD: He swears in Michael Merkle, Applicant and Joseph Mancini, Applicant's Engineer.

MR. MERKLE: He referred to Exhibit A-1 - Tax Map shown on the screen.

The property fronts on O'Donnell Lane approximately 330 east of the intersection of O'Donnell Lane and Forklanding Road. This first application involves Lot 6.03 which runs from O'Donnell Lane back towards Fernwood Avenue.

Mr. Merkle stated that he purchased the property in 2008. Family members approached him about building homes here. He is proposing far less than 11 homes. The first Application would create one new building lot. That is the only new lot that he is requesting to create. The second application is just some lot lines to make the lots regularly configured. He is proposing one house on Lot 6.03. Lot 6.01 is not part of this application. Lot 6.01 is the warehouse building and will have two residences in there. The new lot fronts on O'Donnell Lane and that would be a conforming, buildable lot. Lot 7 – He is looking to widen that so it conforms as to building width.

Lot 6.03 is approximately 3.6 acres. He is proposing to create Lot 6.05. With Lot 6.05 divided off from Lot 6.03, Lot 6.03 would be approximately 3.01 acres. There are two small Remnants that are created. Remnant A – 16-foot wide piece that he would like to add to Lot 7. It is conforming with acreage. There is an existing asphalt drive in remnant A. Remnant B – He wants to increase the front yard depth to Lot 6.01.

MR. O'BRIEN: These Remnants will never exist as standalone lots. This Subdivision would be filed by Deed rather than Plat. This Remnant A and B will immediately disappear.

MR. MERKLE: Correct.

MR. O'CONNOR: Will Remnant A remain as an access drive to your property, in the back of the two story building?

MR. MERKLE: The proposed Lot 6.05 is wider than normal so that the 25-foot wide existing access Easement can be slid over on to Lot 6.05. The driveway would slide over slightly.

MR. O'BRIEN: The driveway would be an Easement. It would remain part of the lot. The actually lot width would stay at 84 feet.

MR. O'CONNOR: (Inaudible) is going to be the void of the asphalt drive and they are going to be incorporated into the existing lots.

MR. MERKLE: Remnant B is going to be incorporated into Lot 6.01. Remnant A is going to be incorporated into Lot 7.

MR. HEINOLD: He referred to the driveway. Is it an existing driveway that is going to be removed and a new one installed or is that driveway in the right location where you want it to be?

MR. MERKLE: The driveway is not in the location that I would like it to be. It sits in a 25-foot wide Easement that is on the edge of the existing Lot 6.03. It provides access from O'Donnell Lane back to apartment/warehouse building. That Easement is going to translate to the East so it sits within the confines of the newly proposed Lot 6.05. The driveway would be reconstructed inside the 25 foot wide Easement. The current driveway is going to be removed. The current Easement would be extinguished.

MR. O'BRIEN: A new Easement put in place.

MR. HEINOLD: Is it a Buy Rite Subdivision?

MR. O'BRIEN: That is correct. No new non-conforming conditions created by the creation of this one new lot.

MR. MERKLE: He is looking to move the access Easement over and create this new building lot.

MR. O'CONNOR: He opened the public portion of the meeting. No one came forward.

MR. O'CONNOR: He closed the public portion of the meeting.

MR. ANGELASTRO: He referred to his February 19, 2021 review letter. He did have a couple outstanding comments. The Applicant's Attorney sent me a response letter on March 8, 2021 advising that they will comply with my comments in my February 19, 2021 letter except for the one waiver.

A MOTION IS MADE BY MR. MINTON seconded by Mr. Jones to grant Minor Subdivision Approval for Case #2101 - 314A-314B O'Donnell Lane, Block 3404, Lots 6.03 and 6.05. The two remnant parcels would be consolidated into the lots regardless of the outcome of the next Application. Remnant A and B are a function of this Subdivision Application. ROLL CALL VOTE: AYE, Mr. Jones, Mrs. Kravil, Ms. Lamon, Mr. McGill, Mr. Minton, Mr. Maradonna, Mr. Snyder and Mr. O'Connor, no opposed motion passes.

MR. O'CONNOR: Case #2102 – MJ Real Estate Investments II, LLC – Minor Subdivision – 318 O'Donnell Lane, Block 3504, Lot 7.

MR. ANGELASTRO: The Applicant's Attorney did send a response letter dated March 8, 2021 indicating that they would comply to all of the items in my February 19, 2021 letter except for a waiver for Item #27. It is similar to what they requested in the first Application. He has no objection to the Board considering granting the waiver.

A MOTION IS MADE BY MR. MINTON seconded Ms. Lamon by to deem the application complete for Case #2102 - 318 O'Donnell Lane, Block 3504, Lot 7. ROLL CALL VOTE: AYE, Mr. Jones, Mrs. Kravil, Ms. Lamon, Mr. McGill, Mr. Minton, Mr. Maradonna, Mr. Snyder and Mr. O'Connor, no opposed, motion passes.

MR. O'BRIEN: This Application involves the lot shown in green on the screen He referred to Exhibit A-1 – Tax Map He referred to the area in green. This is a Subdivision that involves lot line adjustments. It does not involve any new lots. There are two existing non-conforming conditions. The

first is the location of the former warehouse building lot without frontage on a public street. There is an existing non-conforming front yard setback between the building that is on Lot 7 which is subject to this Application.

MR. MERKLE: He referred to Lot 7. It is 59 feet wide and 506 feet deep. It is currently 30,263 square feet. This newly proposed configuration for Lot 7 reflects the addition of Remnant A from the previous Application which makes this lot conforming as to the building width of 75 feet. The second part of this Application is a proposal to make the lot size with the proper width and normal depth for this neighborhood. It would make the lot approximately 152 feet deep. It would make the lot size 11,530 square feet. The minimum lot size in the zone is 11, 250 so it would fully comply. We would be left with the only existing condition that doesn't conform is that front setback to the building. The rear of this lot is intended to be added by Deed to Lot 6.01 – the Warehouse Lot. It would bring the lot to 1.3 acres.

MR. O'BRIEN: The rear portion of Lot 7 would be consolidated with that property and would not exist as a standalone lot, without frontage on a Public Street. He referred to the rear of Lot 7.

MR. MERKLE: Correct.

MR. O'BRIEN: No new lots are proposed as part of this Application.

MR. MERKLE: Correct.

MR. MANCINI: He presented the Exhibit A-2 - Aerial Photograph.

MR. MERKLE: He referred to Aerial Photo. The blue line is the newly proposed configuration for Lot 7. Remnant A would merge into the existing warehouse building. The reconfigured Lot 7 would be 11,530 square feet.

MR. O'BRIEN: Lot 6.01 doesn't now and will continue not to have frontage on a Public Street, but will be served by the access Easement that we discussed in connection with Application #2101 over Lot 6.05.

MR. O'CONNOR: How will the Easement be structured?

MR. O'BRIEN: It will be an Easement in perpetuity, but if lot frontage could ever be created or provided for this lot, I suppose there would be the ability to extinguish it. We would need further approval from the Board to extinguish it, without the Board's permission. It would be a condition of the prior Subdivision.

MR. JONES: What is intent of building?

MR. MERKLE: The large building was a residential one-bedroom apartment. It will be converted into residential use. He wants to convert the building into two residential units. The small house on Lot 7 they may move or remove. If they remove the house, they will build a new home. The new home would have a conforming front setback.

MR. O'CONNOR: He opened the public portion of the meeting. No one came forward.

MR. O'CONNOR: He closed the public portion of the meeting.

A MOTION IS MADE BY MR. MCGILL seconded by Ms. Lamon to grant Minor Subdivision Approval for Case #2102 – 318 O'Donnell Lane, Block 3504, Lot 7. ROLL CALL VOTE: AYE, Mr. Jones, Mrs. Kravil, Ms. Lamon, Mr. McGill, Mr. Minton, Mr. Maradonna, Mr. Snyder and Mr. O'Connor, no opposed motion passes.

MR. MINTON: Michael Merkle was the Developer of the Meadow Farm Project. He worked with the Town. He thanked Mr. Merkle for his efforts. He welcomed Mr. Merkle and his Family to Cinnaminson. Also, Mr. O'Connor thanked Mr. Merkle for his efforts.

MR. MINTON: He referred to the letter from the Economic Development Committee dated December 14, 2021 to Ed Bednarek. He asked that the January 26, 2021 Minutes reflect that the Planning Board received the letter from the Economic Development Committee dated December 14, 2021 to Ed Bednarek.

A MOTION IS MADE BY MR. MINTON seconded by Mr. Snyder to approve the Minutes from the January 26, 2021 Meeting subject to amending the minutes to reflect that the Planning Board received the letter from the Economic Development Committee dated December 14, 2021 to Edward Bednarek. VOICE VOTE: ALL AYE, no opposed, motion passes.

MR. MINTON: He updated the Board on future Applications.

MR. MINTON: He stated that Michael Angelastro has been a great help.

MR. O'CONNOR: He advised the Board that the School District sent the Planning Board plans to review for classroom trailers at New Albany and Rush Schools.

MR. HEINOLD: He referred to Cinnaminson Harbour. They are going to file a corrective Plat.

MR. O'CONNOR: He opened the public portion of the meeting. No one came forward.

MR. O'CONNOR: He closed the public portion of the meeting.

A MOTION IS MADE BY MS. LAMON, seconded by Mr. Snyder to adjourn the meeting. VOICE VOTE: ALL AYE, no opposed, motion passes. The meeting is adjourned.

Duly passed and Adopted

Respectfully submitted

Patricia Rucci

