

**CINNAMINSON TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
July 7, 2021**

Zoom Meeting ID: 923 868 6246

Password: 203375

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The Regular Zoom Meeting of the Zoning Board being held July 7, 2021.

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 15, 2021 and by advertising this Regular Meeting in the Courier Post on February 5, 2021.

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.

Members Present – Mr. Bednarek, Mr. Devlin, Mrs. Galosi, Mr. Hare, Mr. Trampe, Mr. O’Donnell and Ms. Woodman.

Also Present: Richard 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 #21-7-1 – Emine Yalcin – Bulk Variance – 2597 Branch Pike, Block 3210, Lot 1.14.

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to continue the application for Case #21-7-1 – Emine Yalcin – Bulk Variance – 2597 Branch Pike, Block 3210, Lot 1.14 to the August 4, 2021 Zoning Board Zoom Meeting at 6:30 p.m. with no further notice required.

ROLL CALL VOTE, AYE, Mr. Devlin, Mrs. Galosi, Mr. Hare, Mr. Trampe, Mr. O’Donnell, Ms. Woodman and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #21-7-2 – Hummingbird Builder and Development, LLC - Bulk Variance - 2390 Church Road, Block 3401, Lot 37.01.

MR. PAUL SCHULTZ: Attorney for Hummingbird Builder and Development, LLC.

MR. STROBEL: He swears in Reginaldo Barbosa.

MR. SCHULTZ: They have 3 separate applications for the same Company. The first one is for 2390 Church Road. This Application is for a 6 foot high PVC fence for a front yard where a 40 foot setback is required for the front yard. We are requesting a bulk variance to allow for the 6 foot fence. The front yard area borders the rear yard of the dwelling next to it. This is a Flag Lot. It is irregularly shaped and is setback from Church Road 180 feet in one area and approximately over 100 feet in the other area, of the lot. The fence is 6 foot high fence for privacy. The front yard backs up to the rear yard of another property.

MR. BARBOSA: He is the 100 Percent Owner of Hummingbird Builder and Development, LLC. Hummingbird Builder and Development builds homes and sells homes as the builder and developer. Hummingbird Builder and Development owns this property. He applied for a permit, but it was denied. He is requesting a variance to allow the fence to be on the property line. He wants to install the fence for privacy. He is going to install some vegetation, but wants to have the right to install a fence, if a prospective buyer wants a fence.

MR. SCHULTZ: A variance lasts for one year unless it is extended. He wanted the Applicant to be mindful of the time frame. He advised that the lot is known as a Flag Lot. This fence would not be right up near Church Road.

MR. BARBOSA: It will not.

MR. SCHULTZ: You need this variance because the front yard is actually the rear of the home of this property.

MR. BARBOSA: Correct.

The Applicant and the Applicant's Attorney reviewed the Exhibits described below:

Exhibit A-1 – Survey Plan – 2390 Church Road, 2404 Church Road and 2408 Church Road.

Exhibit A-2 – Survey Plan for 2390 Church Road, Block 3401, Lot 37.01.

Exhibit A-3 – Photograph showing the neighbor's house.

Exhibit A-4 – Photograph of the back of house.

Exhibit A-5 - Photograph showing neighbor's rear yard.

Exhibit A-6 – Photograph showing distance of home from Church Road.

MR. BEDNAREK: Would the fence go around the property also where there is no variance required?

MR. BARBOSA AND MR. SCHULTZ: Correct.

MR. BEDNAREK: The fence would be a 6 foot high, PVC, white privacy fence.

MR. BARBOSA: Correct.

MR. BEDNAREK: He asked how wide the gate is. It is not a car gate, it is a person gate.

MR. BARBOSA: Yes.

MR. BEDNAREK: The fence will match all around the house.

MR. BARBOSA: Yes.

MR. HARE: If we make a stipulation that it comes out to the pole in the front corner of the house, you are okay with it?

MR. BARBOSA: Yes I am.

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

MR. STROBEL: He swears in Pat and Joanne Aulicino.

MR. AULICINO: He identified where his home was located. He wanted to know where the Applicant needed the variance.

The Board described where the Applicant wanted to install the fence.

MR. AULICINO: The variance doesn't affect us.

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

A MOTION IS MADE BY MR. HARE seconded by Mrs. Galosi to approve a front yard setback of zero foot where 40 foot is required. The placement of the fence will not come any farther out towards the existing driveway. It won't come any further out than the front corner of the structure. There will be a gate on the left hand side. It will be a standard gate and it will be subject to the requirements of Township Code Officials. It will be a 6 foot high PVC fence. The fence will surround the lot and standard conditions. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Hare, Mr. Trampe, Mr. O'Donnell, Ms. Woodman and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #21-7-3 – Hummingbird Builder and Development, LLC - Bulk Variance - 2404 Church Road, Block 3401, Lot 36.01.

MR. SCHULTZ: Attorney for the Applicant. We are looking to install a 6 foot PVC in the front yard where there is a zero foot setback. It is a Flag Lot. This portion is approximately 211 feet back from Church Road.

The proposed fence is to close off the side and the rear of the adjacent properties for privacy and safety reasons.

MR. STROBEL: He swears in Reginaldo Barbosa.

MR. BARBOSA: He is the sole owner of Hummingbird Builder and Development, LLC. Hummingbird Builder and Development, LLC is the owner of the property is located at 2404 Church Road. He built the home on the property and he wants to sell the property. He wants to install a fence. He wants to install the fence for safety reasons. The setback has zero feet in the front yard. It is a Flag Lot. It is a little over 200 feet from the front of Church Road. He will not block the driveway.

The following Exhibits were presented and explained by Mr. Barbosa and Mr. Schultz.

Exhibit A-1 – Survey Plan showing the three lots.

Exhibit A-2 – Survey Plan of Lot 36.01. He identified the home on the plan.

Exhibit A-3 – Photograph of side of home. The fence will be around the back and side.

Exhibit A-4 – Photograph of side of Home.

Exhibit A-5 – Photograph of Home. The red shed belongs to the neighbor. He wants the fence for privacy for prospective Buyer.

Exhibit A-6 – Photograph of Neighbor's shed. The Applicant and the Applicant's attorney described the photo.

MR. HARE: The fence that is going to surround the neighbor's red barn is going to be 4 foot. He will have a 4 foot wide clear path going around the side and back of his barn.

MR. BARBOSA: Yes.

MR. BEDNAREK: How long is the fence for the variance part?

MR. HARE: After discussing the plan with the Applicant, Mr. Hare stated that it is a 6 foot long section of fence is the variance being asked for.

The Board and the Applicant discussed the location of the variances.

Exhibit A-7 – Photograph showing the Applicant's Home, the Neighbor's Shed and part of the Neighbor's Home.

Exhibit A-8 – Photograph showing Church Road. The fence is 6 foot high white PVC Fence and it will match the other fence.

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. Galosi to approve the variance for a 6' high privacy PVC privacy fence on the right hand side of the property for a zero foot setback where 40 foot is required. On the left hand corner of the property a zero foot setback from the corner where it intersects Lot 37.01 and Block 34.01, Lot 8.01. All standard conditions. In the front yard property line where the 40 foot (inaudible) is required. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Hare, Mr. Trampe, Mr. O'Donnell, Ms. Woodman and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #21-7-4 – Hummingbird Builder and Development, LLC - Bulk Variance - 2408 Church Road, Block 3401, Lot 36.03.

MR. SCHULTZ: Attorney for Hummingbird Builder and Development, LLC. This Application is for the installation of a deck with a side yard setback of 5 feet where 15 feet is required. The side yard is actually the rear yard.

MR. STROBEL: He swears in Reginaldo Barbosa.

MR. BARBOSA: He is the sole owner of Hummingbird Builder and Development, LLC. Hummingbird Builder and Development, LLC builds, sells and develops homes. Hummingbird Builder and Development, LLC is the owner of the property located at 2408 Church Road. He built the home on the property and he wants to sell the property. He wants to build a proposed deck. The deck is 5 feet from the property line where 15 feet is required. It is a Flag Lot. It is 80 feet from Church Road. He wants to install a deck in the rear yard. He has a dining room and it would be nice to have a deck there. The rear of the home is a side yard and because of the shape of the lot, he needs a variance because it is narrower than it would be normally be. The deck will not have a roof. The deck would be a wooden deck with PVC railings.

The following Exhibits were presented and described to the Board:

Exhibit A-1 – Survey Plan for 2408 Church Road. Five feet from the property line. The deck would come out 10 feet from the house.

Exhibit A-2 – Photograph showing the rear of the property.

Exhibit A-3 - Photograph showing the rear of the property.

The deck is 10' x 12' feet.

MR. SCHULTZ: 10' x 12' deck on the rear of home, but is considered the side yard. The materials are wood, Trex and PVC. The railing is consistent with the home.

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 to approve the variance for a 5 foot side yard setback for a 12'x10' deck where 15 feet is required. All standard conditions in terms of appearance as stated by the Applicant. ROLL CALL VOTE, AYE, Mr. Devlin, Mrs. Galosi, Mr. Hare, Mr. Trampe, Mr. O'Donnell, Ms. Woodman and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #21-7-5 – Wayne Oliver – Bulk Variance – 101 Green Briar Court, Block 3106, Lot 5.05.

MR. STROBEL: He swears in Wayne Oliver.

MR. OLIVER: He wants to install a 6 foot high aluminum fence with brick pillars that is going to match the decor of the property.

The following Exhibits were presented and explained to the Board:

Exhibit A-1 – Survey Plan – The yellow outline shows where he wants to install the fence. The fence will be black aluminum with brick pillars. The Applicant wants the fence for safety reasons. The fence will have a 10 foot setback on the Parry Road side.

Exhibit A-2 – Photograph of the Neighbor’s Home.

Exhibit A-3 – Photograph of the Applicant’s property.

Exhibit A-4 – Photograph of side Applicant’s property.

Exhibit A-5 – Photograph of the Neighbor’s property.

Exhibit A-6 – Photograph of the Applicant’s home showing the Parry Road side.

The gate will be on the left side of the property. There will be no gates on the Parry Road side.

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 Ms. Woodman to grant the variance for a 10 foot setback from the property line where 30 foot is required on the inside of the berm as shown in the Exhibits. The fence is made out of 6 foot high aluminum with brick pillars. All standard conditions. ROLL CALL VOTE, AYE, Mr. Devlin, Mrs. Galosi, Mr. Hare, Mr. Trampe, Mr. O’Donnell, Ms. Woodman and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #21-7-6 – Jeremias Miranda and Autiany Sousa – Bulk Variance - 1113 Cinnaminson Avenue, Block 1702, Lot 7.

MR. STROBEL: He swears in Jeremias De Miranda.

MR. DE MIRANDA: 1113 Cinnaminson Avenue. He is looking for a variance for his front porch.

MR. BEDNAREK: You are here for an addition of a front yard setback of 10.3 feet where 25 feet is required and both side yard setbacks of zero feet where 8 foot is required. Right now your property has zero setbacks where 8 feet is required along with the front yard setback of 10.3 where 25 is required.

MR. DE MIRANDA: Right now I have 10 feet on one side where 8 feet is required. On half of the property, I have a little porch. He wants to build a new porch.

MR. BEDNAREK: The house is a row home. Although you are expanding the porch, the row home where it sits now is a zero setback.

MR. DE MIRANDA: Correct.

MR. BEDNAREK: Although you want to extend the front porch, you are already encroached on that setback because that house is a nonconforming house to begin with.

MR. DE MIRANDA: It is all attached.

MR. DE MIRANDA: He described the Exhibits.

EXHIBIT A-1 – Survey Plan – Mr. Miranda wants to extend the porch to 25 foot wide. Roof only over existing concrete. 9.7'x11.2'.

Exhibit A-2 – Photograph of the existing porch. He wants to extend to the left side. The left side would be the foyer. The new porch would be 24.28'x 9.7'.

Exhibit A-3 – Photograph of his Neighbor's Home with the porch removed.

Exhibit A-4 – Photograph of the back of his home. Mr. Miranda wants build a roof on that concrete slab.

MR. HARE: You had mentioned, that it is just an open roof. You have no intention of enclosing it and making it a screened in porch or another room of the house. You are just looking to extend the roof over the concrete patio.

MR. DE MIRANDA: It will be open. It is only a roof.

MR. HARE: If we stipulate that as a condition, are you okay with that?

MR. DE MIRANDA: Yes.

MR. BEDNAREK: How far out from the house is the roof?

MR. DE MIRANDA: The length is 16'x25'.

MR. STROBEL: Does the existing small roof over the stairs to and from the house go?

MR. DE MIRANDA: That will go. It will be demoed.

MR. STROBEL: What is proposed roof made of?

MR. DE MIRANDA: Asphalt shingles.

MR. BEDNAREK: Asphalt shingles wooden structure.

MR. DE MIRANDA: Yes.

MR. DE MIRANDA: Exhibit A-5 – Front Floor Plan (A2-1)

MR. HARE: He didn't want someone turning the front porch into an apartment. If we make a condition, that there has to be common egress between the main living space, the foyer and the bedroom.

MR. DE MIRANDA: Yes. That is what I want. He wants the front porch to be attached to and part of the house.

MR. BEDNAREK: I am assuming that the rear roof attaches between the top of the first story windows and below the second story windows.

MR. DE MIRANDA: Yes.

MR. BEDNAREK: He referred to where you are bringing the front room out. If your neighbor thinks that is a good idea, they would build up to your property.

MR. MIRANDA: Yes.

MR. TRAMPE: What are the materials for the outside front addition?

MR. DE MIRANDA: Lumber, the sidewalls maybe block then lumber, then roof and asphalt shingles. It will probably be a flat roof.

MR. BEDNAREK: So it is going to be a flat roof on the front.

MR. MIRANDA: Yes.

MR. O'DONNELL: He expressed concern about the wooden roof and the fire pit.

MR. BEDNAREK: You have to make your fire pit compliant with whatever the Fire Marshall says you have to do.

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. Galosi to grant the variances for the proposed front yard setback for the addition on the front of the house. The proposed front yard setback of 10.3 feet where 25 feet is required. A side yard setbacks of zero feet where 8 foot minimum is required. A roof over the rear patio over the concrete slab. The roof has a zero side yard setback where 8 foot is required. The roof on the porch is made out of a wooden structure with asphalt shingles and it would be open air and it will not be enclosed. The egress on the addition on the front of the house extending the porch across the front of the house. Once entering the door, there would be a common egress between the door and the doorway and the entry way into the existing structure along the door into the bedroom to the right of the door. The roof size is 16 feet out from the back of the house by 24.28 feet wide. The fire pit meets the Fire Marshall's conditions in terms of distance from the roof. All standard Fire Codes. All



standard conditions. ROLL CALL VOTE, AYE, Mr. Devlin, Mrs. Galosi, Mr. Hare, Mr. Trampe, Mr. O'Donnell, Ms. Woodman and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Hare to approve the Resolution for Case #21-5-2 - Katherine and Jeremy Minuto - 401 Sherwood Drive, Block 3304, Lot 7 – Conditionally granting bulk variances to construct fence extending beyond building on long side of corner lot which is not permitted, leaving nine (9) foot front yard setback where twenty (20) feet is minimum required, and having height of six (6) feet where two (2) feet is maximum permitted within (20) feet of corner property line; also to permit existing garage leaving 19.8 foot front yard setback where (20) feet is minimum required. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Ms. Woodman to approve the Resolution for Case #21-6-1 – Jeffrey and Heather Luban - 103 Shenandoah Road, Block 3413, Lot 14 – Conditionally granting bulk variances to construct carport addition leaving 10.5 foot side yard setback where fifteen (15) feet is minimum required and 30.5-foot aggregate side yard setback where forty (40) feet is minimum required. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Ms. Ms. Woodman to approve the Resolution for Case #21-6-2 – Ziyad Abughalda – 701 Meadowview Drive, Block 3005, Lot 22 – Conditionally granting bulk variance to construct fence leaving 13.5 foot front yard setback where twenty (20) feet is minimum required. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MS. WOODMAN 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. GALOSI seconded by Ms. Woodman to approve the vouchers for Pennoni noted on the Agenda. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Ms. Woodman to approve the Regular Meeting Minutes of June 2, 2021. VOICE VOTE: ALL AYE, 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. GALOSI seconded by Ms. Woodman 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

