

**CINNAMINSON TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
December 1, 2021**

Zoom Meeting ID: 923 868 6246

Password: 203375

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The Regular Zoom Meeting of the Zoning Board being held December 1, 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. Sell, 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 #21-9-2 – Mustafa Ayaz – Bulk Variance – 105 Whitebirch Drive, Block 3102, Lot 27.

MR. STROBEL: He swears in Mustafa Ayaz.

MR. BEDNAREK: You are planning on putting a roof over a patio in your back yard. You are seeking a 2 foot side yard setback where 15 feet is required.

MR. AYZAZ: That is correct.

MR. AYZAZ: He started to build. There is an existing pool in the back yard. He can’t extend the building to the back side. He didn’t know about the 15-foot setback. The structure already exists. He stopped the work. He didn’t put a roof on.

MR. BEDNAREK: The piers have been sunk for the posts.

MR. AYAZ: Yes.

MR. BEDNAREK: He asked if there was an existing patio there.

MR. AYAZ: There used to be a patio there. There is no concrete there.

MR. BEDNAREK: Once you found out you needed a variance, you stopped.

MR. AYAZ: That is true. He didn't have a permit.

The following Exhibits were presented to the Board:

Exhibit A-1 - Photograph of the roof that is going to cover the porch area.

MR. BEDNAREK: It is open on all four sides.

MR. AYAZ: It is. Three sides actually. A corner of one side is attached to the building. The other three are open totally. No siding, no frame. Nothing for four walls.

MR. BEDNAREK: The roof is partially built. You haven't shingled it because you stopped when you received notice.

MR. AYAZ: That is true.

Exhibit A-2 - Photograph of the roof looking from the front of the house to the back.

Exhibit A-3 - Photograph of the Roof.

Exhibit A-4 – Sketch of Rear Elevation.

Mr. Ayaz will install gutters and down spouts. He has underground pipes in the back yard that he can connect. He can have the water run to the other side of the house. All the rain goes in one spot.

MR. BEDNAREK: What is the height?

MR. AYAZ: 8 foot 8 inches.

Exhibit A-5 – Sketch of new wall section.

Exhibit A-6 – Sketch new covered Patio Plan

Exhibit A-7 – Survey Plan

MR. AYAZ: The roof is gray and dark gray.

MR. BEDNAREK: He opened the public portion of the meeting. No one came forward.

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

MR. SELL: He commented about wanting the structure to be left completely open underneath. A roof on posts and it is open air. If it stays as a pavilion.

MR. BEDNAREK: Mr. Ayaz, at this time, there is no intention of enclosing that structure. Is that correct?

MR. AYAZ: That is correct.

MR. BEDNAREK: If we make that a condition, is that acceptable to you?

MR. AYAZ: Yes.

MR. BEDNAREK: Let's make that a condition.

A MOTION IS MADE BY MR. SELL seconded by Mrs. Galosi to accept the application. It is limited to a 2 foot setback where 15 is required, limited to posts and a roof structure, no sides. All other standard conditions. The height will not exceed 14 feet. All roofing materials and siding will match the existing home. No wall extending below the roof joist. ROLL CALL VOTE: AYE, Mrs. Galosi, Mr. Sell, Mr. Mr. Bednarek, NAY, Mr. Devlin, Mr. Hare, Mr. Trampe and Mr. O'Donnell.

MR. STROBEL: The motion is not adopted.

MR. O'DONNELL: He expressed concern about the drainage. If there was something in the motion saying that rain water would be directed away from the neighbor's house. I want to make sure that is included.

MR. AYAZ: I can promise that it will happen.

A MOTION IS MADE BY MR. SELL seconded by Mrs. Galosi that we grant the application. The structure has no siding below the roof joist. The structure does not exceed the height of 14 feet. The structures roof and siding match the home. Piping be added so rain water moves away from the 2 foot setback and back toward the applicant's property – the driveway side. There will be no permanent fabric/bamboo or curtain. ROLL CALL VOTE: AYE, Mrs. Galosi, Mr. Hare, Mr. Sell, Mr. O'Donnell and Mr. Bednarek, NAY, Mr. Devlin and Mr. Trampe, motion passes.

Case #21-12-1 – Midnight Motors, LLC – Use Variance – 1305 Industrial Highway, Block 806, Lot 11.

MR. BEDNAREK: You wish to have a car dealership license to go into the Auto Sun Roof Building.

MR. CAGATAY: That is correct.

MR. STROBEL: He swears in Mario Erazo, Alp Cagatay and Kirollous Mankarious – Owners of Midnight Motors, LLC and James Miller, Planner.

MR. CHACANIAS: Attorney for the Applicant. This is for the property located at 1305 Industrial Highway, Lot 11, Block 806. The property is located in the Industrial District on a 2.8 Acre lot. The use is a used car dealership. It is not a typical used car dealership. They deal with specialty cars. No cars on the outside. The Applicant will not make changes to the interior or exterior of the building. The only thing that will change is what is on the sign. The building both interior and exterior will remain the same.

MR. STROBEL: The Board can proceed because we have the Owner's consent.

MR. CAGATAY: We purchase vehicles and we bring them to a shop in Turkey. We restore them and import them into the United States. We don't have foot traffic. All viewings by appointment only. All of our sales are online. No for sale signs on vehicles. All vehicles are stored inside. Typically, the vehicles are sold before they come to the United States. They will have about 20 cars. They pick up cars from the Port of Baltimore or the Port of Newark. The hours of operation are 9:00 AM to 5:00 PM – Monday through Friday.

MR. CHACANIAS: One of the reasons we have to call this a Used Car Dealership is because of your New Jersey Licensing.

MR. CAGATAY: Yes. That is correct.

MR. CHACANIAS: Any requirements relating to that license you will agree to comply with.

MR. CAGATAY: Yes.

MR. CHACANIAS: Is there any junking on site?

MR. CAGATAY: No junking what so ever.

MR. HARE: Other than storing the vehicles inside the building, are there plans to do anything else inside the building?

MR. CAGATAY: No.

MR. HARE: Are there any plans to do auto detailing?

MR. CAGATAY: It will be storage, photography and videography. We really don't have walk ins. No mechanical work.

MRS. GALOSI: Is this like the transfer point?

MR. CAGATAY: More or less.

MRS. GALOSI: Any repairs will be brought somewhere else.

MR. CAGATAY: That is correct. It is very rare that we would have to repair a vehicle.

MR. CHACANIAS: The owner will be leasing the second portion of the building. There are two spots in the building. Ours is the existing spot that is 8,520 square feet. There is an addition that was added in 1996. That space will be leased for another use. It might be an auto repair shop. It will not be tied to Midnight Motors.

MR. BEDNAREK: No intention of having anything other than employee cars on the outside lot.

MR. CAGATAY: That is correct.

MR. CHACANIAS: I believe auto repair shop is permitted within the Zone. The separate portion of the building will be entirely separate. It will be leased by a separate entity. This Applicant will have no auto repair on their portion of the building.

MR. STROBEL: He referred to Section 525-62 K of Ordinance.

MR. BEDNAREK: Do you export cars?

MR. CAGATAY: They don't export cars.

MR. BEDNAREK: He summarized the Applicant's testimony.

MR. CAGATAY: The days of operation would be Monday through Saturday.

MR. MILLER: The location is within the Industrial Zone. He described the surrounding uses in the immediate surrounding area. The prior occupant was Sun Roof which installed sun roofs. This is compatible to the surrounding land uses. The use will be contained indoors. There is relatively little activity. There are three employees associated with the firm and all of the business is conducted online. It is appropriate for the location. The site is appropriate for the use. It is a good location. A use which is evolving. There is no outdoor inventory. Everything is done online. All factors make it suited for use. I don't believe there will be any negative impacts. It is relatively a new use. I think the use is fully compatible with the Zone. The Variance would satisfy both the positive and negative criteria and merit the Board's approval.

MR. BEDNAREK: I believe the State of New Jersey requires you to have the Vehicles titled into Dealership.

MR. CAGATAY: That is correct.

Mr. BEDNAREK: All vehicles on the premises will be titled or in the process of being titled to your Dealership.

MR. CAGATAY: That is correct.

MR. HARE: How many cars do you intend to sell per month?

MR. CAGATAY: We would typically hope to sell 20 vehicles per month. They are located in Voorhees, NJ.

The following Exhibits were presented:

MR. CHACANIAS: These Exhibits are the plans from the 1996 Application that included the addition. It is to illustrate as to what is there now and nothing will be changing.

Exhibit A-1 Site Plan

Exhibit A-2 – Floor Plan and Elevations.

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 applicant for a used car dealership in the 8,500 square foot portion of the building. All vehicles sold will be stored inside the building. No major car repair done inside. Light detailing in preparation of being sold. No vehicles will be stored outside the building. No equipment will be stored outside the building. Approval will include all standard conditions. Sales are by appointment only. The signage on the building is for one sign. No car dealership advertisements. The sign should be in conformity with the existing zoning requirements. If signage is not in conformance, they will need to request approval for a variance from the Zoning Board of Adjustment. It is an importing operation. It is not a vehicle export. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Hare, Mr. Sell, Mr. Trampe, Mr. O'Donnell and Mr. Bednarek, no opposed, motion passes.

The Board discussed the meeting time and place for the 2022 Zoning Board Meetings and decided that the January 5, 2022 Zoning Board Meeting will be in person.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Sell to approve the vouchers for Pennoni Associates noted on the Agenda. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Sell to approve the voucher for Richard C. Strobel noted on the Agenda. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MR. GALOSI seconded by Ms. Woodman to approve the Regular Meeting Minutes from November 3, 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 Mr. O'Donnell to adjourn the meeting. The meeting is adjourned. VOICE VOTE: ALL AYE, no opposed, motion passes.

Duly passed and adopted

Respectfully submitted,

Patricia Rucci