

CINNAMINSON ZONING BOARD OF ADJUSTMENT
July 6, 2022

The Regular Meeting of the Zoning Board being held July 6, 2022 is scheduled for 6:30 p.m. in the Municipal Building, 1621 Riverton Road, Cinnaminson, NJ. Chairman makes the public statement.

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 10, 2022 and by advertising this Regular Meeting in the Courier Post on January 11, 2022.

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 – Mr. Bednarek, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, and Mr. Neely.

Also Present: Richard Strobel, Board Attorney, Hugh Dougherty, Board Engineer, Stan Slachetka, Board Planner and Patricia Rucci, Secretary.

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 #22-7-1 – Therese Barbuto – Bulk Variance – 188 Wedgewood Drive, Block 1003, Lot 12.

MR. Strobel swears in Therese Barbuto.

MS. BARBUTO: She presented four photographs. Exhibits A1, A-2, A-3 and A-4.

MS. BARBUTO: They are proposing to move the fence from where it is 10 feet closer to the curb. She wants to replace the wooden fence with a white vinyl fence. She is on a corner lot. She has an in ground pool. The wooden fence will be removed. The existing chain link fence is staying the way it is. The fence will be a six foot high white PVC fence.

MR. BEDNAREK: You have a requirement for a 30 foot setback and you are proposing to go with a 20 foot setback.

MS. BARBUTO: Yes.

The Board and the Applicant discussed the proposed fence and location of gate.

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. TRAMPE seconded by Mr. Neely to approve a 6 foot white PVC fence with a gate with a front yard setback of 20 feet where 30 feet is required along the side of the corner lot. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #22-6-2 – Conyers RE Associates, LLC – Use Variance – Preliminary and Final Site Plan – 2209 Lenola Road, Cinnaminson, NJ.

MR. JAMES BURNS: Attorney for the Applicant. They are here for use variance approval and Preliminary and Final Site Plan approval associated with the construction of a 5,000 square foot warehouse to be used for commercial purposes, including the storage of materials and equipment related to the existing business on site which is known as Preferred Pump. The property is located on Lenola Road and is known as Block 2001, Lot 4.02. The Applicant's use represents a pre-existing non-conforming commercial warehouse use in the R-2 Zone. The proposed warehouse represents an expansion of that non-conforming use. He spoke about the proposed improvements. We received the review letter dated May 25, 2022 from the Zoning Board Engineer.

MR. STROBEL: He swears in Charles Conyers, Principal, William Nicholson, Engineer and James Miller, Planner.

MR. CONYERS: He gave an overview of his business. He described what currently exists on the site. There will be nothing in the building except electric. No facilities.

The following Exhibits were presented and explained by Mr. Conyers:

Exhibit A-1- Photograph of pallets.

Exhibit A-2, A-3 and A-4 – Photographs of outdoor storage.

Exhibit A-5 - View of the driveway.

There will be no new employees. They have eight employees. The hours of operation are 8:00 a.m. to 5:00 p.m., Monday to Friday.

MR. NICHOLSON: He identifies the proposed building, driveway and office. The building will be a pole barn. He described the surrounding properties.

MR. DOUGHERTY: He reviewed the May 25, 2022 review letter. He wants to work with the Applicant with regard to the landscaping.

MR. BURNS: He is happy to work with the Zoning Board Engineer.

MR. DOUGHERTY: He deemed the application complete.

MR. BEDNAREK: All bases are covered. I heard three things. Soil control, landscaping which was agreed to and site triangle issue.

(Inaudible) Correct

(Inaudible) Agreed

MR. STROBEL: The Applicant will provide a truck turning template.

(Inaudible) Yes.

The Applicant, the Professionals and the Board discussed the review letter from Mr. Dougherty.

MR. MILLER: He gave an overview of his Planning Review. This variance is a D-2 Variance. This use variance is allowing a structure to house the storage activities related to the business. The use is well established. Most of the activity is screened. He reviewed the negative and positive criteria. He believes it meets all the applicable criteria and would merit the Board's approval

MR. SLACHETKA: Based on the testimony we heard and your testimony, given the age of the existing facility in your opinion, it is a true pre-existing non-conforming use and not a use that is granted by a use variance.

MR. MILLER: That is correct.

MR. SLACHETKA: Based on your opinion, the construction of the new warehouse building allowing the storing of various materials inside a building provides an aesthetic improvement to the site.

MR. MILLER: It does. It mitigates the potential of exterior impacts of the materials that are being stored.

MR. SLACHETKA: So it is an aesthetic impact and (inaudible).

MR. MILLER: Yes.

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. DOUGHERTY: He will work with the applicant's engineer regarding the landscaping. He had comments regarding the driveway. Our Ordinance requires a 25 foot wide driveway. The applicant has about 23 ½ foot. The site is existing and the trucks coming in are smaller trucks.

MR. SLACHETKA: He referred to working out the buffering from the proposed building to the adjoining residential property. That will be necessary to be worked out to confirm the negative criteria.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. O'Donnell to approve the use variance for the 5,000 square foot warehouse for commercial purposes that is not a permitted use in the residential zone. Standard conditions. Contingent on site plan approval. Pre-existing non-conforming commercial warehouse in the R-2 Zone. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MR. TRAMPE seconded by Mrs. Galosi to deem this application complete with the waivers and deferrals noted in the Engineer's letter of May 25, 2022. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MR. DEVLIN seconded by Mrs. Galosi to grant four bulk variances. Side yard setback it is an existing building, accessory building with 2 foot 11 inch setback where 3 feet is required, accessory building in front of main building which is prohibited under Ordinance and the existing issues of things like parking. Standard conditions. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MR. TRAMPE seconded by Mr. Neely to approve Preliminary and Final Site Plan with the conditions in the Engineers review letter, working with the Board Engineer on the landscaping, buffering, soil conservation, site triangle, truck turning diagram, contingent on working with the County Planning Board and all outside agencies. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #22-6-1 – Capital Invest Group, Inc. – Use Variance – Preliminary and Final Site Plan – Mainline Drive and Wallace Boulevard, Block 804, Lots 27, 28, 29, 30 and 31.

MS. SARA WERNER: Attorney for the Applicant. The property is located at Mainline Drive and Wallace Boulevard, Block 804, Lots 27, 28, 29, 30 and 31. The property consists of 5.11 acres of land and is located in the Township's Industrial Development Zone. The Applicant is seeking use variance approval in order to develop the property with a two story approximately 17,960 square foot trucking terminal and associated offices, since that use is not permitted in the Industrial Development Zone. We are also seeking Preliminary and Final Major Site Plan approval for the proposed trucking terminal and associated offices together with related site improvements including, but not limited to parking spaces, lighting, drainage and landscaping. The Applicant is seeking two bulk variances in connection with this application for site plan approval. The first is for the proposed parking stall sizes and the second is for the amount of parking lot coverage. We are in receipt of the Planning Board Engineer's review letter of May 6, 2022. We are amenable to complying with all of the comments contained therein. I believe

another variance was called out for the total parking lot area landscaping. We are willing to revise our plans.

MR. STROBEL: He swears in Brian Atkins, Applicant's Engineer, Nathan Mosley, Applicant's Traffic Engineer, James Miller, Applicant's Planner.

MR. ATKINS: He presented and described the following Exhibits:

Exhibit A-1 – Aerial Plan – He described the surrounding properties.

Exhibit A-2 – Site Plan – Showing the 17,960 square foot building that has 14,000 plus footprint. There is one section of it that is two story and that is the office part. Trucking use and service of those trucks, proposes 53 passenger car parking spaces located primarily around the office are two loading docks for supplies for the service bays, service bays for serving of their trucking fleet which consists of about 40 vehicles. There are 48 spaces sized for WB67 Trucks across the remainder of the site. We proposed two stormwater basins (inaudible). We are proposing lighting as well some landscaping. The purpose of the service center is for light repair trucks. It is not for major repairs to the vehicles. There is no fueling on site. The Company currently has 12 to 13 employees possibly up to 20 employees. The operation hours are 9:00 a.m. to 6:00 p.m., Monday to Friday and occasionally 9:00 a.m. 2:00 p.m. on a Saturday. There are maybe 15 or 20 trucks per day coming in or out on a given day.

MS. WERNER: She referred to the service being offered on the property. This is just for their trucking fleet. This is not a retail repair facility.

MR. ATKINS: That is correct.

MS. WERNER: We are requiring two variances related to the application.

MR. ATKINS: That is correct. There is one variance with regard to total parking area and parking stall size.

Exhibit A-3 – Elevation Renderings - The building is 31' 4" tall at the peak. The building is 17,960 square feet and the footprint is 14,515 square feet.

MS. WERNER: She asked Mr. Atkins to confirm for the record, that we do comply with all setbacks overall impervious coverage and other bulk standards.

MR. ATKINS: That is correct.

MR. STROBEL: He swears in Azamat Zhumaliev – President of Capital Invest Group, Inc.

MS. WERNER: She referred to the fleet of trucks. Are they all from the same company, same style, same logo?

MR. ZHUMALIEV: Most of the trucks have the same logo. We have two additional companies.

MS. WERNER: At most, up to three different trucks and three different companies.

MR. ZHUMALIEV: Yes.

MS. WERNER: She wanted Mr. Zhumaliev to correct her if she was wrong. All trucks are owned and operated by Capital Invest Group, Inc.

MR. ZHUMALIEV: Yes.

MR. BEDNAREK: All associated with your company.

MR. ZHUMALIEV: Yes

MR. BEDNAREK: He wanted to make sure the trucks would not idle at night.

MS. WERNER: We would be willing to make that a condition. We will comply with all regulations.

MR. MOSLEY: He reviewed his February 14, 2022 Report. He described the surrounding areas.

MR. BEDNAREK: How many trucks do you have?

MR. ZHUMALIEV: 40 trucks with the 40 trailer.

MS. WERNER: You don't have multiple of these facilities in the area. She asked the Applicant if this was correct. This would be your main facility for this purpose.

MR. ZHUMALIEV: Yes.

MR. MILLER: This is an Industrial Zone. He described the surrounding area. All surrounding properties are zoned Industrial. From a circulation standpoint, it is ideal from that prospective. He reviewed the positive and negative criteria. He believes it is a good fit for the Zone. He gave an over view of the property. He believes it merits the Board's approval.

MR. STROBEL: There is an owner's consent that was submitted as part of the application.

MR. DOUGHERTY: He reviewed his May 6, 2022 review letter. He asked about testimony on solid waste.

MR. ATKINS: There is a 10' x 12' trash enclosure located on the site, two recycling and one regular trash dumpster.

MR. DOUGHERTY: The application is complete.

MR. DOUGHERTY: I think you should have a masonry enclosure.

MR. ATKINS: Yes.

MR. DOUGHERTY: He referred to his stormwater comments.

MS. WERNER: We can comply with everything.

MR. DOUGHERTY: No outside storage of materials. He referred to the screening.

MS. WERNER: We can add additional screening

MR. BEDNAREK: The testimony from the Applicant is that you can comply with all of Pennoni's (inaudible).

MS. WERNER: Yes. Other than the variances they requested, they can comply with all comments. We are still submitting to the Soil Conservation District. We have already received conditional approval from the Burlington County Planning Board.

MR. SLACHETKA: He referred to the screening along the perimeter on Mainline and Wallace. That is essential to ensuring that the negative criteria is met.

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. TRAMPE seconded by Mrs. Galosi to grant a use variance to Capital Invest Group for a trucking facility in the Industrial Zone where that use is not permitted. Contingent on Preliminary and Final Site Plan approval. Standard conditions. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MR. TRAMPE seconded by Mrs. Galosi to deem this application complete with the waivers approved by the Zoning Board Engineer. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MR. TRAMPE seconded by Mr. O'Donnell to grant bulk variances. Sixty percent impervious surface where 45 is allowed and 9' x 18' parking spaces for automobiles. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MR. TRAMPE seconded by Mr. Neely to grant Preliminary and Final Site Plan, conditioned on the Zoning Board Engineer's review letter, screening, buffering and landscaping as per the Zoning Board Engineer's satisfaction. Not hosting any more trucks/tractor trailers than there are spaces on the site. No idling of trucks. Not to be used as a

commercial warehouse. No retail servicing or merchandising. No heavy repair. All repairs inside and doors to be closed. The lighting is continuous. Security lighting. The lighting will have to comply to the Township's Code. Standard conditions. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Ms. Woodman, Mr. Neely and Mr. Bednarek, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Ms. Woodman to approve the Resolution for Case #22-5-2 – Dawn and Emanuele Lauretta – 814 Meetinghouse Road, Block 2205, Lot 5 - Conditionally granting Bulk Variances to construct garage addition. VOICE VOTE: ALL AYE, Abstain Mr. Devlin and Mr. O'Donnell, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Trampe to approve the Resolution for Case #22-5-3 – Nina Fonte and Thomas Stokes - 822 Heritage Road, Block 2204, Lot 1 – Conditionally granting Bulk Variance to construct fence in front yard. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. O'Donnell to approve the Resolution for Case #22-4-2 – KH Investors, Inc. - 141 Route 130, Suite G, Block 1407, Lot 29.01 – Conditionally granting Use Variance for dog adoptions. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Neely to approve the Resolution for Case#22-4-1 – Silva Investments LLC – 3120 Route 73 North – Block 3503, Lot 20 – Denying Use Variance to permit parking lot for trucks. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Neely to approve the Resolution for Case #22-5-1 – Paul and Eleanor Paradise – 4 Arbor Road – Blok 3101, Lot 3 – Conditionally granting Bulk Variance to construct deck. VOICE VOTE: ALL AYE, no opposed, motion passes.

A MOTION IS MADE BY MRS. GALOSI seconded by Mr. Neely to approve the Resolution for Case #22-3-1 – Goodwill Industries of Southern New Jersey and Philadelphia, Inc. – Use Variance, three Bulk Variances and Preliminary and Final Site Plan Approval, 915 Route 130, Block 1304, Lots 32 and 33. VOICE VOTE: ALL AYE, no opposed, motion passes.

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

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

Duly passed and adopted

January 4, 2023

Respectfully submitted,

Patricia Rucci
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