

CINNAMINSON ZONING BOARD OF ADJUSTMENT
June 1, 2022

The Regular Meeting of the Zoning Board being held June 1, 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, Robert Melvin, 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 #22-6-1 – Capital Invest Group, Inc. – Use Variance – Preliminary and Final Site Plan – Mainline Drive and Wallace Blvd., Block 804, Lots 27, 28, 29, 30 and 31. This Application is being rescheduled to the Zoning Board of Adjustment Meeting on July 6, 2022 at 6:30 PM with no further notice required. The meeting will be held in the Cinnaminson Municipal Building, 1621 Riverton Road, Cinnaminson, NJ.

A MOTION IS MADE BY MR. TRAMPE seconded by Mrs. Galosi to reschedule Case #22-6-1 – Capital Invest Group, Inc. to the Zoning Board of Adjustment Meeting on July 6, 2022 at 6:30 PM with no further notice required. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, 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 Approval – 2009 Lenola Road, Cinnaminson, NJ. This Application will be heard at the July 6, 2022 Zoning Board of Adjustment Meeting at 6:30 PM with no further notice required.

A MOTION IS MADE BY MR. DEVLIN seconded by Mrs. to reschedule Case #22-6-2 - Conyers RE Associates, LLC to the Zoning Board of Adjustment Meeting on July 6, 2022 at

6:30 PM with no further notice required. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Mr. Neely and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #22-5-3 - Thomas Stokes and Nina Fonte – Bulk Variance – 822 Heritage Road, Block 2204, Lot 1.

MR. STROBEL: He swears in Thomas Stokes and Nina Fonte.

MS. STOKES: She presented the following Exhibits A-1, A-2 and A-3 – Photographs showing the fence at different angles.

They want to replace their existing fence. The fence is part of a pool enclosure. The fence will be a 6' PVC white vinyl fence. All fencing will match. There will be two gates located in the same location as the existing gates.

The Applicants and the Board discussed the proposed 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. TRAMPE seconded by Mr. Neely to grant a variance for a 6 foot high white PVC fence with a 15 ½ foot front yard setback where 40 feet is required on the short side of a corner lot. All standard conditions. ROLL CALL VOTE: AYE, Mr. Devlin, Mrs. Galosi, Mr. Trampe, Mr. O'Donnell, Mr. Neely and Mr. Bednarek, no opposed, motion passes.

MR. BEDNAREK: Case #22-4-1 – Silva Investments, LLC – Use Variance – 3120 Route 73 N, Block 3503, Lot 20.

MR. BEDNAREK: We only have six Board Members available tonight. This application requires five positive votes for a use variance.

MR. STROBEL: He swears in Otavio Silva, Owner, Teal S. Jefferis, Engineer, Nathan Mosley, Traffic Engineer and James Miller, Planner.

MS. RACHAEL B. BREKKE: Attorney for the Applicant. She had a copy of the escrow check in the amount of \$6,000.00 that was mailed out on May 25, 2022.

MS. BREKKE: A majority of the property is in Maple Shade Township. We were in front of the Maple Shade Board last year. (Inaudible) If we are approved, we will move forward with the Site Plan next.

MR. SILVA: He has a Trucking Company operation. He gave an overview of his Company. He has a business in Philadelphia. He has 28 trucks.

MS. BREKKE: Security gate closes. Nothing is stored in trucks on site. He acquired the property around two years ago. The property was vacant.

MR. SILVA: He described the condition of the property when he purchased it.

MS. BREKKE: If you are approved tonight, your intent would be to continue to clean the property.

MR. SILVA: Yes. He spoke about the surrounding businesses.

MR. JEFFERIS: Applicant's Engineer – He presented Exhibit A-1 – Aerial Photograph.

MR. DOUGHERTY: Are there sales?

MR. SILVA: No.

MS. BREKKE: This will not be a lot to sell vehicles. Just parking.

MR. STROBEL: If variance relief was granted, would you agree to a condition that there will be no sales on the site? Will that be acceptable?

MR. SILVA: Yes.

MR. SILVA: He advised that the lot he has in Philadelphia is 6 acres.

MR. DEVLIN: Can you give an estimate of how many cars are there at one time?

MR. SILVA: No more than thirty trucks on the lot in New Jersey.

MR. JEFFERIS: Exhibit A-2 – Site Improvement Plan. He gave an overview of Exhibit A-2. The subject property is Block 3503, Lot 20. The property is .42 acres that is located in Cinnaminson. The overall tract consists of three parcels, two in Maple Shade and one in Cinnaminson. The overall tract size is about 2.58 acres for the three parcels. He identified a section of property being .42 acres. The balance in Maple Shade is about 2.16 acres. A very small portion of this lot falls within Cinnaminson. He identified the area in Cinnaminson. He gave an overview of the parking area. The sliver of lot in Cinnaminson is about 85 feet wide by 326 feet deep and is .42 acres in size. It is irregular shaped. He spoke about the fencing and landscaping. It is intent to provide lighting through the parking lot. We identified that there is a need for a use variance. A variance would be requested for the existing non-conforming conditions. He spoke about the parking lot surface.

MR. TRAMPE: He referred to the refrigerated trucks. He asked if the reefer part of the truck is running, after it is dropped off by the employee.

MR. SILVA: The truck is off. The cab and refrigerator are off.

MR. MOSLEY: He referred to Exhibit A-1 – Aerial Photograph. The property is located along North Route 73. He spoke about the traffic volume during different times of the day. It is not a high intense use. It is not opened to the Public.

He referred to Exhibit A-2 Site Improvement Plan

He spoke about the driveway. We will be required to get permit from the NJDOT for the future driveway. He spoke about permitted uses for the property.

Exhibit A-3 - Truck Maneuvering Plan

MR. BEDNAREK: I am looking at an Exhibit that shows the truck turning at greater than 180 degrees maneuvering into the lot.

INAUDIBLE: Correct. The truck entering has to go into oncoming direction for trucks that may be leaving the site. These plans will be submitted to the DOT for their review.

The Board spoke about peak hours. The Board spoke about the driveway.

The Board Professionals spoke about the guardrail.

MR. MILLER: The property is in a Highway Commercial Zone.

You are dealing with similar Zoning in both Municipalities. He spoke about the adjoining land uses. The property in the rear is the Pennsauken Creek.

The Application was heard in Maple Shade Township in August, 2021. The Application received approval with a series of conditions. The conditions were: Maximum number of trucks 30, no marketing or sale of trucks permitted, no rental or leasing of trucks or truck spaces, the trailers will not be used for storage, the trucks can't be used for sleeping by drivers or others. They made their Resolution of approval subject to an approval of Cinnaminson Township. The Application in Maple Shade Township is subject to Site Plan approval.

He reviewed the conditions from Maple Shade Township. He reviewed the positive and negative criteria.

MR. BEDNAREK: He asked about the fencing.

MR. JEFFERIES: Six foot white vinyl screening fence.

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

MR. GREGORY LEONBERG: He spoke about the previous uses of the property. He expressed his concerns to the Zoning Board.

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

MR. STROBEL: He provided the Zoning Board with information regarding use variance.

A MOTION IS MADE BY MR. TRAMPE seconded by Mrs. Galosi to grant a use variance to park trucks owned and operated by the Applicant on the premises. Other conditions are the maximum number of trucks on the site is thirty, no sales on site, no rental or leasing of vehicles on the site, no storage of materials in the tractor trailers on the site, no leaving spaces for other vehicles, the drivers can't sleep on the site, higher end portable bathroom facility, no electric on site for warming the engine of the vehicles, DOT approval, standard conditions, contingent to Site Plan approval and outside agencies approval, taxes need to be paid, escrow needs to be paid, no maintenance on site, having interactive communication with the truck drivers to enhance the gates going up. ROLL CALL VOTE: AYE, Mrs. Galosi and Mr. O'Donnell, NAY, Mr. Devlin, Mr. Trampe, Mr. Neely and Mr. Bednarek, motion does not pass.

MR. BEDNAREK: He thanked the Applicant and the Professionals.

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

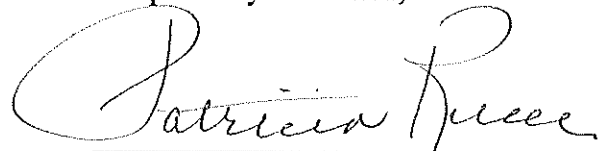
MR. BEDNAREK: He closed the public portion of the meeting.

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